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(DO guide
names:
Cuba)

CONFIDENTIAL

7 January 1994

MEMORANDUM FOR: J. Barry Harrelson @ DA

FROM: Bryant Rogers

SUBJECT: MEETING WITH LINDA FLORES

REFERENCE:

On 6 Jan we met with Linda Flores from the DO to discuss HRG concerns with regard to CIA's contacts in the 60's with well known Cubans and Cuban Organizations.

The outcome of this discussion was that the DO agrees that we can release the names of those major players with whom CIA worked with as long as we stay within the 60-63 time frame, with some overlap into 1964 for continuity, when needed. We then discussed our relationships with major anti-Castro organizations. It was agreed that we could release the fact that as a funding vehicle for the US Govt, CIA provided support including funding in general terms. In some cases we may find it necessary to reveal gross ballpark figures for annual budgets. The DO would prefer that we continue to protect specific funding amounts where possible. They were specifically concerned about releasing specific amounts paid to individuals or families of Bay of Pigs members where individuals could claim that one was paid more than another. In supporting these organizations it was acknowledged by the DO that we could release generic operational activities such as publishing journals or financing goodwill tours by prominent exile Cubans to Latin America The DO reminded us that in reviewing these relationships with Cubans and organizations, it was important to protect CIA personnel, agents and assets and any specifics on tradecraft.

When asked about Bay of Pigs training sites, Linda felt that the actual location should still be protected in spite of the fact that they have been mentioned in open literature.

With regard to DO location numbers (19 for Cuba) she thought this was OK for the 60-63 time frame but would check with LA Div. She had no problem with the release of the Bell location in cables since it was no longer used.

CC:
J. Barry Harrelson @ DA
Richard D. Kovar-Y- @ DA
John F. Pereira @ DA

CONFIDENTIAL

SECRET

8 November 1995

MEMORANDUM FOR: Jeremy Gunn, ARRB Staff

FROM: Barry Harrelson, CIS/CSI/HRG

SUBJECT: Issues re Cryptonyms, Country Designators, Action Indicators and Employee True Names (U)

Attached is memorandum from the DO Focal Point for the ARRB addressing the release of cryptonyms, country designators, action indicators and employee true names. The memorandum is intended to provide guidance to you and your staff and complements information provided in previous discussions. Ellie and I welcome the opportunity to discuss these issues with your staff. (U)

Barry

Attachment

Unclassified When Separated From Attachment.

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MEMORANDUM FOR: Chief, Historical Review Group

FROM: Fredrick C. Wickham, Jr.
DO, Focal Point for ARRB

SUBJECT: Position on Release of Cryptonyms, Country Designators, Action Indicators and Employee True Names

During the period since the ARRB last met, the DO has considered the four issues listed below that have not yet been addressed with the Board. These issues appear throughout the JFK collection and by stating our position up front we hope to facilitate the Board's review and to reach an agreement that will be mutually satisfying to the Board and the Agency.

<u>Cryptonyms</u> - Except for cryptonyms related to operational assets or activities involving Mexico or Miami, the Agency will release the main component of cryptonyms and withhold only the two-letter digraph. Treating cryptonyms in this manner will protect the nationalities of individuals and operations that are not pertinent to Oswald or the JFK investigation and render an easier reading of the written material.

<u>Country File Designators</u> - We will delete the first element of operational activity and operational interest files in those instances when the credibility of the narrative is not affected. The first element of the file number corresponds to the alphabetical position of the country name which is easily discernible, whereas the subsequent two elements relate to type of activity or interest and specific subject.

<u>Action Indicator (Slug) Lines</u> - Generally, we will release the entire action indicator line of a document. Occasionally, however, we will withhold portions when the

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SECRET

SUBJECT: Position on Cryptonyms, Country Designators, Action Indicators and Employee True Names

context identifies a source or a relationship with a specific liaison service.

True Names of Staff Employees - In most instances we will release names of employees who have retired in an overt status and were serving in Headquarters when cited in a document. We will continue to protect the true names of employees cited as serving in a field position. References to field personnel in true name are uncommon, however, since pseudonyms are normally used in correspondence between Headquarters and the field.

for Johnny Gomes
Fredrick C. Wickham, Jr.

Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
(202) 724-0088 • Fax: (202) 724-0457

November 9, 1995

CIA HAS NO OBJECTION TO DECLASSIFICATION AND/OR RELEASE OF CIA INFORMATION IN THIS DOCUMENT

HAND DELIVERED

Mr. John Pereira, Director
Historical Review Group
Center for the Study of Intelligence
Central Intelligence Agency
Washington, D.C., 20505

Re: ARRB requests for evidence

Dear John:

I thought that it might be helpful to you if I were to provide you with our current assessment of the status of our review of the Agency's assassination records and point to where we would like to proceed in the future.

I would like to begin by acknowledging the efforts made by the Historical Review Group to facilitate our review of records. It has been, as you know, a difficult and time-consuming process both for the Agency and the Review Board. We very much appreciate the personal cooperation of you and your staff.

We continue to be concerned by the slow progress that has been made. Although we perceive that the task has been more difficult and time-consuming than Congress anticipated, we have found that the careful education process in which we have been involved has helped educate us with respect to your concerns and, we hope, has helped demonstrate to you the Review Board's concerns.

We must, however, begin to pick up the pace. In many circumstances we are reviewing and then re-reviewing the same documents over and over again. We are also frequently put in the position of not being provided with evidence in a timely manner so that we can make our presentations to the Board. While many of these difficulties are understandable -- and perhaps even inherent to the start-up of the process in which we are engaged -- we must expedite the process. Rather than dealing with dozens of records at Board meetings, we need to move towards a schedule where hundreds of records will be reviewed at Board meetings. From our perspective, it seems that it is essential that the Agency be prepared to allocate significant additional resources to the process of reviewing the records and making evidence available to the Board.

We also believe that the Agency still is not providing the type of evidence that will be the most convincing to the Board. Where issues exist that the Board has not yet addressed, and where the Agency would like to see postponements upheld, *specific* information must be provided to support a postponement. General statements, while useful in identifying the underlying issues involved, do not provide the Board with the complete knowledge and understanding of the issue that is necessary to make an informed judgment regarding release of the information.

The Board is looking forward to receiving the CIA's evidence in support of the postponement of true names. As you know, we have planned for some time to devote the December (12 and 13) meeting to this important issue.

Additionally, you will find enclosed with this letter the next in our series of information requests, covering boxes 7-9 of the Oswald collection. We are submitting these requests now in an attempt to give HRG as much advance notice as possible of which records we will be reviewing for the January 4 meeting. Evidence for records to be reviewed January 4 should be provided no later than December 13, 1995.

We hope that during HRG's review of the January documents, the standards outlined in this letter will be kept in mind. If at any point an issue is deemed so sensitive that a briefing is required, ARRB staff will meet with you at your convenience.

Thank you for your attention to this matter.

Sincerely yours,

David G. Marwell
Executive Director

Enclosures

SECRET

11 December 1995

NOTE FOR THE FILE

SUBJECT: Briefing of JFK Board Staff: Cover

1. On 1 December, Barry Gibson, Deputy Chief of the Office of Central Cover, briefed the Executive Director of the Assassinations Records Review Board and other Board staff members. Also participating from CIA were John Goins and Eleanor Neiman of IMS; Linda Cipriani, OGC; and Barry Harrelson and I from HRG.

2. The focus of the briefing was on the need to protect the names of former Agency employees that appeared in the JFK records. Gibson discussed the risks involved for people who retired under cover if they were identified in the public record as former CIA employees. He discussed the efforts made by his office to obtain written statements from the more than 100 individuals whose names appear.

3. The purpose of the briefing was to assist the Board in its review of names when it meets on 12-13 December. The Agency was asked in particular to present, in writing, evidence of risk for each of the names that will be discussed at the Board's meeting.

John F. Pereira

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MEMORANDUM

March 20, 1996

To: Review Board

cc: David Marwell
CIA Team

From: T. Jeremy Gunn

Subject: Board Guidelines on Release of CIA Officer Names

The Staff understands the Review Board to accept the following general guidelines on the release of true names of CIA officers:

When the true name of a CIA officer (*i.e.* past or present employee of CIA) appears in a document, the Board will bring to its review a presumption that the true name will be released. In order to overcome this presumption of release, CIA must provide evidence demonstrating that release of the name would be harmful. In order to meet its burden of proving harm, CIA must tailor the evidence to satisfy one of the three categories identified in Part I (below). However, when the name of an officer is of such importance that the public interest would not be served in postponing a name, the Board may release the true name consistent with the principles identified in Part II (below).

Part I. Categories of Officers.

1. **Living officers.** For living (present or former) officers, CIA must prove that: (a) the officer is living outside the United States (or reasonably is expected to reside or travel outside the United States in the foreseeable future); (b) the officer is either working or is retired under cover; *and* (c) the officer objects to the release of his or her true name. If CIA satisfies this burden, the Board presumptively (see Part II below) will release a pseudonym and postpone the officer's true name until the year 2010.

2. **Where current status of former officer is unknown.** Where CIA has been unable to contact the former officer because his or her location is unknown, CIA must present a good faith showing that reasonable attempts have been made to locate the officer. If the Board is convinced that CIA has made a good faith showing that it was unable to locate the former officer, the Board will postpone the true name until June 1, 1997. However, the Board may postpone the true

name beyond June 1, 1997, if CIA provides to the Board, prior to May 1, 1997, additional evidence that satisfies the criteria of either category 1 (above) or category 3 (below).

3. **Names having effect on current intelligence interests.** If CIA believes that the release of a true name may compromise currently existing intelligence operations or might otherwise cause an identifiable harm, it must provide evidence that: (a) the officer currently is engaged in clandestine activities; (b) the release of the true name would compromise ongoing intelligence operations or would compromise operations with current intelligence value; (c) the release of the true name would reasonably be expected to cause significant harm to a living person (including family members), *or* (d) the release of the true name would cause a significant harm to the national security or the foreign relations of the United States. If CIA satisfies this burden, the Board presumptively (see Part II below) will release a pseudonym and postpone the true name until 2010 or until such other date as CIA reasonably shows to be a date on which the release could be made without causing harm.

Part II. Names of Officers Who Are Important to the Assassination Story.

The Board presumptively will postpone the release of names consistent with categories 1-3 of Part I. However, for certain persons whose names appear in a context that is important to the assassination story, the Board may nevertheless vote to release the true name. In all such instances, the Board will notify CIA of the importance of such a person and provide CIA with the opportunity to provide additional information in support of postponing the release of the names. These names shall be reviewed on a case-by-case basis, with due consideration being given to the importance of the person to the assassination story and such evidence of harm as CIA may provide.

From the Desk of Linda C. Cipriani

NOTE FOR: Barry R. Gibson @ DO
Elaine S. Mathias @ DO
FROM: Linda C. Cipriani OGC
DATE: 03/04/96 09:26:53 AM
SUBJECT: JFK - Central Cover appeal

The General Counsel and I met with the JFK Review Board on Friday and discussed, among other things, how to deal with the potential public release of the identities of former employees retired under cover. The Board clearly wants to do the right thing here, but they feel they are not getting enough information to make that decision.

Jeremy Gunn (JFK Board's General Counsel) will soon provided me with some of the Board's suggestions on how to deal with this which I will pass on to you (including how to deal with Whitten). I would at the very least like to be able suggest that we attempt contact again (either through CIA or the Board) with those retirees who have not yet responded to our letter. Of course, any suggestions you have at this point will be extremely helpful. My sense is that this issue of protecting retirees is something everyone at CIA will want to appeal just on the principal of it, but that we should do everything possible to avoid an appeal. [Until we work out an agreement with the Board, you should continue to prepare that appeal you are drafting]

In the meantime, can you please provided me the following figures:

1. The # of people we sent letters to regarding the potential Board releases. (isn't it 150?) and the following breakdown if available:,
   - # living abroad
   - # of those retired under cover vs. those whose cover has been rolled back or lifted
   - # of those who still work for us in covert/overt capacity
2. The # of responses we received to date.
3. The # of responses to date requesting that we don't release.
4. The # of responses to date saying that they didn't care.

I realize you are all out of the office these days, but I would appreciate getting this as soon as you can. Thanks.

CC: J. Barry Harrelson
Eleanor E. Neiman @ DO
Frederick Wickham @ DO

ADMINISTRATIVE - INTERNAL USE ONLY

8 March 1996

MEMORANDUM FOR: J. Barry Harellson
John Pereira

FROM: Linda C. Cipriani
DCI/OGC/LD

SUBJECT: JFK - March 18 Board Meeting

REFERENCE:

ADMINISTRATIVE - INTERNAL USE ONLY

From the Desk of Linda C. Cipriani

NOTE FOR: Paula A. Sweeney @ DCI
Robert O. Davis @ DCI
Robert D. Caudle @ DCI
FROM: Linda C. Cipriani
DATE: 03/08/96 02:50:39 PM
SUBJECT: JFK - March 18 Board Meeting

I have been informed that Dave Edgers will be attending the next JFK Board meeting. If this is the case, it would seem that Jeff should go as well.

Two issues need to be discussed with the Board: stations and cover employees.

1. Jeff and the Board agreed in principal to a "window" in which all stations would be opened (1960-64). Of course, if there are particular stations which need to be exempted from this the Board will consider it upon the presentation of substantive evidence.

- HRG and the Board think this is a good idea that would enable them to avoid raising potential appeals every month
- Dave Edger needs to be signed onto this idea.
- Jeff, last month, presented additional information on Oslo, Stockholm, and Copenhagen. Jeff and Dave should be prepared to answer questions or provide more information so that the Board will agree to protect these stations.

2. The Board recently released the names of 16 cover employees. An appeal is being prepared (or so I am told). The thirty days runs on March 18. We need to finalize with the Board how to handle this issue. At the last meeting the Board agreed that this was a really important decision, but that they were not getting the information they need to make the right decision. At the last meeting, the Board intimated that they might be willing to delay this release, if CIA and the Board could come to a mutually agreeable way to deal with cover employees. I understood from Jeff that this is an issue that CIA will appeal on just the principal. If this is true, the Board should understand what our ultimate position is on this, but that we are willing to cooperate with them to find a suitable alternative (using pseudos or generic descriptions like "case officer")

3. I will be out all next week but Barry Harellson/HRG (30292) and John Pereira/CSI) (30373) will be happy to fill you in on the details. Barry will be contacting Bob Caudle next week to find out how the March 18 meeting will be handled.

29 July 1996

MEMORANDUM FOR: Chief Historical Review Group

FROM: Fredrick C. Wickham, Jr.
DO, Focal Point for ARRB

SUBJECT: Proposal for Dealing with Employees' Names

1. Cover mechanisms are an integral part of conducting clandestine operations. We are concerned about individuals that continue to be dependent on particular cover legends and on the organizations that cooperatively work with us to provide those cover legends. The following proposal is offered to streamline the process of handling names and minimize the potential damage an inappropriate release could cause.

A. Incomplete and Unidentifiable names:

a. We will release the occurrence of a name when a common last name appears by itself or in conjunction with a common first name such that it does not tend to specifically identify the individual.

b. We will release the occurrence of a name if it remains unidentified after a reasonable search is conducted.

B. Identifiable names for employees that retired overtly:

In most cases, overt employees' names will be released, but in some cases overt employees may have a portion of their employment remain under cover. Such cases will require the same review as that of an employee who remained under cover into retirement.

SUBJECT: Proposal for Dealing with Employees' Names

C. Identifiable names for employees that retired covertly:

a. We will make a reasonable attempt to locate a current address and contact the person. If the person objects to the release of his or her name for reasons associated with current life style issues, we will object to the release of the name. If the person does not have objections based upon personal circumstances we will review the name for organizational issues. (See para C. c.)

b. If reasonable efforts fail to locate the current address, but it can be determined that the individual is still receiving a pension, insurance or other benefit based upon cover legend, we will need to continue to protect the name since source of income or benefits can not be altered without prior notification to the individual. If we fail to identify a pension or other active benefit, we will review the name for organizational issues. (See para C. c.)

c. We will make a reasonable attempt to review the name to look for identifiable harm to the person's safety, family, ongoing operational activities, national security or foreign relations. Assuming that none of the previous concerns are identified, we will review the potential damage to the cover mechanism or cover provider by the specific occurrence of the name if released.

2. Because families of deceased employees could be the beneficiary of pensions or insurance provided under the employees cover legend, we must review them the same as we would the employee. We also have second and third generation officers following in the footsteps of their parents that could be negatively impacted by the revelation.

3. Our efforts to locate current addresses will include all internal record systems maintained by Office of Personnel Security, Retirement Branch and Insurance Branch. We will include a checklist reflecting completion of these searches

SUBJECT: Proposal for Dealing with Employees' Names

within the documentation when requesting continued protection of the name.

4. We considered options of contacting IRS or OPM during our attempts to locate current addressing information, but based upon the fact that these offices would be unwitting of the cover arrangement for the individual, it was determined to be an unreasonable risk to the cover of these officers.

Fredrick C. Wickham, Jr.

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

SUBJECT: Proposal for Dealing with Employees' Names

IMS/RPG Fwickham:mjk (29 July 1996)

Distribution:
Orig & 1 - Addressee
1 - C/OCC
1 - IMS/ESG/ALB
1 - IMS/ESG/IRB
1 - IMS/ESG/HCS
1 - IMS/ESG-OIT/MSG/RDP
1 - ESG Chrono

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11 February 1997

MEMORANDUM FOR THE RECORD

FROM: Gary M. Breneman, IC

SUBJECT: Comparison of ARRB and DO Memoranda re Treatment of CIA Officer Names in JFK Collection

1. This memorandum is in response to an assignment to compare a 20 March 1996 ARRB memorandum written by T. Jeremy Gunn and The Directorate of Operations response dated 20 July 1966, authored by Fredrick C. Wickham, Jr. Both deal with the treatment of CIA officer true names which appear in the JFK collection -- when they will be postponed and when they will be released.

2. **First the ARRB Memorandum** Gunn describes in legal terms the Board's position on the postponement or release of CIA officers' true names. He makes a proffer which states that there is a presumption in favor of release akin to a legal evidentuary rule which causes a burden to shift to the other party (CIA) to prove something. In this instance, it is factual evidence/proof sufficient to shift the burden not only back to neutral but to the other side of neutral which permits postponement.

3. The Gunn memorandum then sets out the criteria required to meet the burden under several situations.

A. **For officers who are still alive** he states that the proofs required to postpone release of a name are three in number and all three must be met:

i. The officer must be living outside of the U.S.

OR,

(R)easonably be expected to travel outside of the U.S. in the foreseeable future;

AND,

ii. The officer is either working ... (presumably a current staff officer, contract employee, or independent contractor) ... or is retired under cover;

AND,

iii. The officer objects to the release of his or her true name.

COMMENT: Mr. Gunn's criteria are a little confusing and reach beyond the Board's authority. First, note again that the three elements are joined by an "AND" meaning all elements must be met to satisfy a postponement. Second, the first requirement of living or traveling outside of the U.S. is not tied to "cover." Many officers who do not work under cover all of the time are, in fact, provided cover for overseas TDY's. Thus, any officer who might "reasonably' be expected to travel outside of the U.S. would warrant postponement of his true name. This would

seem to include every CIA employee, contract employee and independent contractor past and present.

With respect to the third element, Mr. Gunn and the Board are simply in error. To my knowledge they have no authority to require that an individual be consulted concerning his or her wishes to maintain cover, thus having his or her true name postponed, or to give up his cover, thus having the name released. This decision does not lie in the first instance with the individual but is an institutional decision which lies solely within the purview of the Agency and the executive branch of the government. CIA as an executive agency charged with the creation, maintenance, and dissolution of cover mechanisms is the only entity competent to make such a decision. It alone knows if release of an officer's true name will compromise an existing cover mechanism which will, in turn, expose others who share or have shared the same cover. It alone knows if release of an officer's name will expose CIA sponsorship (a cover entity) of a sensitive activity. It alone knows if release of an officer's name will violate a promise of confidentiality to a commercial cover sponsor which could cause both embarrassment and possibly, financial hardship to the sponsor and, in turn, substantially hinder the Agency's ability to secure subsequent commercial cover sponsors.

Turning next to the wishes of a particular officer (either current or retired) *vis a vis* staying with his or her cover, these thoughts come to mind. For current

employees, the decision is again not entirely theirs. If, after careful review, the Agency does not have a strong position on the employee maintaining the cover, the officer should be permitted to decide. He or she should be counseled however, that an action to remove cover could have an adverse impact on future assignments or TDYs. With respect to retirees, if, after careful review, the Agency does not object to the removal from cover, the individual should be permitted to decide. Note, that the responses to this inquiry will be mixed. As a historical note, the Agency over the years has been on an ever-swinging pendulum with respect to "cover into retirement," "cover for life," etc. There will be officers who petitioned hard unsuccessfully to have their cover removed when they retired and will gladly consent to lifting the cover. There will be those officers who do not want their cover lifted under any circumstance.

By way of summary, it is CIA not the Board and not the individual officer who makes the initial decision concerning the maintenance or lifting of cover.

B. **Former officers, status unknown.** While the heading to this section would seem to suggest the CIA does not know the cover/non-cover status of some of its former officers, the section does not rally deal with this issue. Rather, within the section, Mr. Gunn simply recognizes the fact the CIA may not be able to find all of its former officers to ask if they want to be opened up or remain under

cover. The test required by Mr. Gunn to satisfy the Board and thus continue postponement until 1 June of this year is a "good faith showing that reasonable attempts" were made to locate the officer and failed.

The section contains the additional provision which advises the Board may continue a postponement beyond 1 June of this year (i.e., until 2010) if the CIA provides the board with evidence which satisfies the criteria of either category 1 or category 3. Such "additional evidence" must be provided by 1 May 1977.

The requirements or tests of this section for the Agency are not onerous but should be set-out as a series of uniform actions or check-off's taken in the attempt to locate each "current status unknown" officer. The record of these actions could then be presented to the ARRB in support of a request for continued to postponement. The DO Memorandum mentions of the possibility of asking the IRS or the OPM for assistance in this regard and this should probably be done. I recall however, that the Service will assist, through cleared contacts at the National Office, but only to the extent of determining the whereabouts of the individual and then contacting him and ask that he be in touch with his former employer. I have no current knowledge of cleared contacts at the OPM but they existed in the past and I assume they continue.

C. Names having effect on current intelligence interests. The Gunn letter appears to subscribe a higher

level of concern to this section and its criteria than the previous two, not recognizing the plain fact that the criteria of all three sections are inextricable. It sets out four separate criteria which, if CIA satisfies its burden, i.e. provides sufficient evidence to prove any one of them, will operate to postpone a true name until the year 2010. Note again, the criteria required are four separate ones, each separated by a comma and between numbers 3 and 4 and " OR." They are:

i. The officer must be currently engaged in clandestine activities; **OR,**

ii. The release of the officer's name would compromise ongoing intelligence operations or operations with current intelligence value (presumably, the latter permits a review into the officer's past activities, agent relationships, and cover positions); **OR,**

iii. The release of the officer's true name would reasonably be expected to cause significant harm to a living person (including family members); (read broadly, this provision would include, the individual, former agents, anyone who shared the same cover or cover position, i.e. a dedicated Department of State slot within an embassy); **OR,**

iv. The release of the officer's name would cause a significant harm to the national security or the foreign relations of the U.S. (a criteria which is broad enough to drive the proverbial Mack truck through).

4. In Part II, the Gunn memorandum takes back part of what it gave in the previous section. It sets up a test of "importance to the assassination story vs. evidence of harm." Essentially, it advises that the Board will weigh the CIA's evidence but, if within its view, the true name being considered for postponement is important to the assassination story, the Board will release it. This means for those few individuals who may be viewed as "important to the story," truly substantial evidence must be brought to bear. Absent such evidence, the Board will release, and the only recourse left to the Agency would be an appeal to the President.

5. **The Directorate of Operations Memorandum.** The basic concern with the steps for handling names as contained within the memorandum is as follows. For officers who retired under cover, the **first** step will be to contact them and ask if they want their true name released. Per the comments on page three supra, this should be the last step of the review, not the first.

A. Other Comments. The resources and data bases which will be researched for each name should be clearly established and followed in a uniform manner. Deviation from a set, orderly process will open CIA determinations to criticism, objections and dismissal, i.e. release of a name that should be postponed.

B. In addition to the data bases described -- retirement records, annuity pay records, the office of

security, insurance lists -- consideration might be given to the Northwest Federal Credit Union, and overt data bases such as Phonedec. Like the IRS and OPM, the credit union might not be able from a legal standpoint to provide an address. However, it would probably be prepared to contact an individual and ask that he be in touch.

C. A comment must be made about the idea of universally releasing the true names of overt employees. To the extent that any current employee, even overt employee, may be sent overseas on TDY under light cover, the release of his or her true name via these JFK documents which will receive widespread review could jeopardize his overseas mission and possibly, place his life in danger.

6. These thoughts are intended to be talking points as we commence to sort out the manner in which we will deal with the true names. Clearly, we need to begin to quickly identify those names which can be released, those on which there is some question, and those few on which we really need to dig in our heals.

6. I would be glad to discuss with you any of the issues raised herein.

Gary M. Breneman

13-00000

work file

SECRET - WORKING PAPER

5 March, 1997

Memorandum For: Chief/HRG

From: Barry Harrelson

Subject: Name Issue / Status of Review

Reference: Meetings with ARRB staff (Marwell & Gunn) 4 March 1997

Name Issue

I met with Gunn and Marwell (separate meetings) to discuss the reopening of the names issue per my memo to you. Both Gunn and Marwell reacted positively. They found the proposal to be reasonable one and they are willing to work with us in approaching the Board. However, both said they could not predict the Boards reaction. Per Marwell, one member of the Board (Anna Nelson) seems to believe that if a person worked for the CIA it should be known.

Apparently our timing is excellent. Marwell is planning to propose to the Board that they change the process from the focus on individual postponements to documents. Under the new approach his staff would have the authority to negotiate with the Agency on the release of documents, and only issues/documents of disagreement would be placed before the Board. Marwell is convinced that even with an additional year they will not finish the project with the current approach. He sees our proposal on the names as an example of how the process would work.

Marwell recommends that we include examples of documents containing names of little or no connection to the story. Bob Skwirot (he was in the meeting with Marwell) said that there were a number of names that appeared in only one document and that the number of names had reached 590. Marwell wants to start immediately on preparing a joint list of important/releasable individuals.

Action: Advise DO, OGC, upper management of our proposal to reopen the name issue (how?). Need to decide what level would sign the memo to the Board, and who would prepare the memo. If you agree I can send a copy of my memo to you to Linda and Fred for background use.

HRG and DO team will collect examples of documents and prepare (with ARRB staff) a list of individuals. The DO should focus on any person on the list that needs protection and prepare the evidence ASAP (i.e. not wait for the issue to be resolved).

SECRET

New ARRB Review Process

Marwell and I spent some time discussing how a new process would work. He would like to test the process for the April meeting. The following is a rough outline with my comments:

1) HRG reviewers would review the documents the same as they do now (postponements would be blue highlighted). [no change in our procedures]

2) ARRB staff would review the blue highlighted document.

a) If they agree, they would stamp the document "ARRB approved" and return it to HRG to process for NARA.

b) If they disagree they would highlight in yellow (creating green highlighting). If the two staffs cannot resolve the issue, then the document would go before the Board.

[Major change: ARRB staff would no longer record all the proposed postponements, no DO damage review, no detailed determination letter requiring HRG reviewers to use the "grid" to determine what happen.]

3) Non-issue documents would be sent to the ARRB staff when ready for NARA. At that time the ARRB staff would prepare a simplified final determination notice and letter to the Agencies.

[No action would be required; HRG would file the final determination notice with the document].

4) "Green" highlighted documents that go to the Board would be handled the same as today.

[The expectation is that a lot less documents would require Board action.]

Comments: With some fine tuning, I think this process could work, and we would be able to complete the re-review of documents released in 1993 and 1994 by Oct. 1998. Completing the entire project will depend on how quickly the "non-related" material and the "addition records" are reviewed by the ARRB staff.

Pending Issues

As part of the change in process, Marwell wants the Board to focus on outstanding substantive issues as opposed to micro managing the review. We discussed the following:

1) Nosenko. ARRB staff needs to review the non-related material and make a recommendation to the Board. Marwell leans toward not treating all of Nosenko as assassination related. Could be a hard sell with some Board members. Should we request that Nosenko meet with the Board? Marwell thinks they would react favorably.

2) Personnel Files. Again the first step is to have his staff confirm that only a part of a file is related and that those documents are in the released material.

3) Gibson. FBI file issue; we need to present case to the Board

4) LI 9. Continuing to protect will be a hard sell given that Newman has published identity; we need to present case to the Board.

5) CRC Financial Files. ARRB staff needs to review

Annual Report and Extension

Marwell ask me to draw you attention to the Annual Report and the request for an extension. He would still like a letter from the Agency (could be addressed to him) along these lines: "reviewed Annual Report"
"note that the Board has ask for extension"
"support the request/feel it is in interest of Agency and public /or something along these lines"

Other issues (not discussed with Marwell/Gunn)

Linda (OGC) says CI Staff has ask Gunn to rewrite his notes, and opposes Gunn's suggestion to release pages from the CI histories he reviewed. Gunn indicated in his notes that some of the pages should be released and might be considered assassination records. We are going to run into similar problems with the other histories. Gunn will be in HQ tomorrow to re-do his notes. She will discuss the "pages issue" with the goal of having him drop the request to release. As to the question of designating the pages as assassination records, she will inform him that CI will oppose. If he insist, she will refer back to HRG.

COVER SHEET FAX

To: J. Barry Harrelson
Fax #: 703-613-3063
Subject: Segregated Collections
Date: April 23, 1997
Pages: 7, including this cover sheet.

CIA HAS NO OBJECTION TO DECLASSIFICATION AND/OR RELEASE OF THIS DOCUMENT

Today the Board adopted the attached guidelines.

From the desk of...

T. Jeremy Gunn
General Counsel
Assassination Records Review Board
600 E Street, N.W.
Washington, D.C. 20530

(202) 724-0088
Fax: (202) 724-0457

Assassination Records Review Board
Guidelines for Review of Postponements in the Segregated Collections
Adopted: April 23, 1997

Background

In order to ensure that the Review Board will be able to complete its task of reviewing all identified assassination records, the Board recently took two significant steps. First, on November 13, 1996, it adopted guidelines with respect to reviewing "Segregated Collections" with regard to information that is "not believed relevant" (NBR) to the assassination. Second, in February 1997, the Review Board requested Congress to extend its tenure for one additional year.

It is the Review Board's judgment that, even with the assumption that our operations may be extended through Fiscal Year 1998, the Review Board cannot hope to complete review of postponements in the Segregated Collections under the current method of review. In particular, a reasonable modification of current postponement standards would greatly expedite and facilitate the release of additional information and records. Otherwise, the Review Board might cease operations without having reviewed claimed postponements in tens of thousands of pages of FBI and CIA records.

Postponement Criteria for the Segregated Collections

In a further effort to enhance the Review Board's work, the Review Board now issues these revised guidelines for the review of records in the Segregated Collections.[1] (These guidelines do not affect the FBI's Core and Related Files or the CIA's 201 file on Oswald.) The four principal factors that underlie these review guidelines are: first, continuing, to the greatest reasonable extent, the Review Board's established guidelines for postponements that have emerged over the past two years; second, establishing guidelines consistent with the Review Board's decision regarding NBR records; third, establishing reasonable and workable guidelines that will enable the

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[1]The regulations adopted by the Board on November 13, 1996, define "Segregated Collections" as including *first*, FBI records that were requested by: (a) the House Select Committee on Assassinations ("HSCA") in conjunction with its investigation into the Kennedy assassination; (b) the Church Committee in conjunction with its inquiry into issues related to the Kennedy assassination; and (c) by other bodies (*e.g.*, Pike Committee, Abzug Committee, etc.) that relate to the Kennedy assassination; and *second*, CIA records including (a) the CIA's Sequestered Collection of 63 boxes as well as one box of microfilm records and the microfilm records (box 64), and (b) several boxes of CIA staff "working files."

Review Board, the ARRB staff, the CIA, and the FBI to complete the significant amount of work that remains; and finally, to provide reasonably consistent standards for the review of postponements that would apply equally to CIA and FBI records.

The following are, in summary form, guidelines for reviewing postponements in the Segregated Collections.[2]

CIA Source and FBI Informant and National Security Asset Postponements

There are, of course, similarities and differences between FBI informants and CIA sources. Like FBI informants and national security assets, CIA sources may or may not be paid for the information that they provide and they may or may not be providers of information over the long-term. When providing information to the Bureau, FBI informants generally are understood to be cooperating with law enforcement officials for a legal and legitimate purpose. It is often the case, although not always, that FBI informants understand that at some point their name might surface in conjunction with a criminal prosecution and that they may need to testify in court. Foreign CIA sources and FBI national security assets, however, are not necessarily deemed to be cooperating with law enforcement officials but may, in fact, be committing the crime of espionage against their native country by cooperating with US authorities. Furthermore, unlike FBI informants, CIA sources and FBI national security assets presume that their names will not be released publicly and they certainly presume (in the ordinary course) that their identities will not surface in criminal trials. As a practical matter, it is generally much easier today for the FBI to locate a former informant who resides in the United States than it is for the CIA and FBI to locate former sources and national security assets.

Despite these differences -- differences which would generally suggest a greater degree of protection being owed to CIA sources and FBI national security assets -- the issues in terms of postponements are fundamentally similar.

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[2]The existing "NBR" guidelines allow the Review Board to remove from detailed consideration those records or files that truly have no apparent relevance to the assassination. Nevertheless, a significant number of files in the Segregated Collections contain records that shed some light on issues that the HSCA explored as potentially relevant to the assassination of President Kennedy. The following criteria would apply to all records in the Segregated Collections, including records containing some NBR redactions.

CIA Sources

The Review Board established guidelines, during its December 1996 meeting, for handling CIA source issues and applied those guidelines at the January 1997 meeting. These guidelines directed the protection of names and identifying information of CIA sources in cases where the identity of the source is of low public interest or is peripheral to the JFK assassination. The Board's decision was based on two factors: the concern that since CIA sources generally live outside the United States, they could risk harm if their identities were revealed. Moreover, many of the sources referenced in CIA records appear infrequently and are of relatively low public interest. Therefore, in records where the identity of the source is of importance for understanding the assassination, the CIA will be required to provide additional evidence to support the protection of the source's identity.[3] In cases where the identify of the source is peripheral to the assassination story, the information will be postponed until 2017.

FBI National Security Assets

FBI national security assets should be treated in the same manner as CIA sources.

FBI Informants

Informant issues represent the largest category of postponements in the FBI's Segregated Collection, as they do in the "core" FBI assassination files. They also provide the greatest opportunity for streamlining the review process. Currently, there are ten members of the Bureau's JFK Task Force who are responsible for researching individual informants in response to evidence requests from the Review Board.[4] They retrieve and review the informants' files and attempt, through DMV, Social Security, and other database searches, to determine if the informant is alive. Under current Review Board standards for "core" files, this work is necessary to provide evidence to support redacting the informant's name, ***regardless*** of whether the informant provided information. Removing the requirement of proving whether informants are alive in the Segregated Collections would free up significant resources that could be deployed to reviewing unprocessed HSCA subject files.

The new approach to HSCA subjects is to protect informant-identifying information,

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[3]An example would be the case of John Scelso (pseud.). The Board found that his identity is relevant to the assassination story and CIA offered evidence of a continuing need to protect the identity. In this case, "Scelso" documents would continue to be scheduled for release in five years.

[4]Six work full-time on informant evidence, four devote about half their time to informant evidence.

without requiring the Bureau to make a showing that the informant is alive. This protection would extend to individuals characterized as symbol-number informants, "PSIs," "PCIs," "established sources," "panel sources," and the like -- designations that indicate an ongoing relationship with the FBI. It would not extend to individuals who requested that their identity be protected in an isolated contact with the FBI or to local and state law enforcement officers.

The "informant-identifying information" to be protected would include the customary (*i.e.*, informant-specific) portions of informant symbol numbers and file numbers, informant names, and -- at least potentially -- descriptions of, and information received from, the informant. How much, if any, of the latter type of information should be redacted would be the principal focus of staff-level discussions with the FBI. The staff's principal goal in this process, with regard to each informant, would be to release as much information that is relevant to understanding the assassination as possible. In discussions with the FBI, the staff would be prepared, if necessary, to concede redaction of informant-identifying information that is unrelated to the assassination in order to ensure that more pertinent information is released.[5]

The presumption will be that an informant's identity will be released if the informant provides "positive" information about an assassination-related issue. To overcome this presumption of release for informants with "positive" information, the FBI would need to make a particularized showing that the identifying information should not be released. To the extent that an informant's identity is protected, it will be postponed until 2017.

CIA Employee Name Postponements

Over the past year the CIA has addressed the employee name issue and has released some names that it had previously asked the Board to postpone. But during that time the list of names has grown to a size that had not been imagined at the time the work began. To date, the Review Board staff has identified in the JFK Collection over 650 names of CIA employees. These names appear in more than 1000 documents already reviewed by the Board and numerous additional records that have not yet been processed. While some of these employee names are important to the assassination story, many appear only a few times in the entire JFK Collection and seem to add little, if any, important information.

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[5]In HSCA subjects, there typically will not be information about Ruby, Oswald or the assassination itself. However, in a file on, for example, Sam Giancana, there may be informant reports on Giancana's support of anti-Castro activities, and reports from the same informant on day-to-day numbers operations in the Chicago area. The staff would set a higher priority on release of the former reports than on the latter.

CIA's argument to protect employee names emphasizes a number of points. First, since many employees are "under cover," the maintenance of that cover is critical to gathering intelligence. CIA argues that identification of a name can identify the cover provider and jeopardize operations. Second, although the majority of names are of retired CIA employees, CIA has a confidentiality agreement with them and many do not want their past Agency affiliation released. The argument here is that release may jeopardize business relationships or personal safety. Such arguments have already been presented to the Board. Their merit can only be determined on a case-by-case basis. However, due to the volume of names in the JFK Collection, the individual review and evaluation of each case would delay significantly the review of documents and ultimately lead to less total information becoming available to the public.

CIA has proposed, and the Review Board agrees, that CIA employee names be treated in a manner similar to that applied to Source names: to postpone until 2017 those employee names that are of low public interest or are of peripheral interest to the assassination. It will be presumed that employee names will be released if their identities are important to the assassination story ***unless*** the CIA is able to provide specific information of a potential harm of release. (CIA acknowledges the presumption of release unless specific evidence is provided to the Review Board that harm to national security or to personal safety would result from the release of the employee name.)

FBI "Foreign Counterintelligence" Postponements

It is presumed that the FBI will, at least partially, carry over its post-appeal standards for disclosing "FCI" activities targeting Communist-bloc nations. To the extent that the HSCA subjects reflect "FCI" activities against other nations that have not been addressed by the Review Board in the "core" files, the FBI will be allowed to redact direct discussion of such activities, ***unless*** the information in the proposed redaction meaningfully contributes to the understanding of the assassination.

FBI and CIA Foreign Liaison Postponements

The criteria for these postponements would not, in the abstract, depart significantly from the Review Board's current approach of releasing information received through liaison channels, while protecting direct acknowledgment of the source of the information. In practice, however, the staff would be more flexible in protecting text that implies, although may not unambiguously state, that a foreign government is the source of particular information. Nevertheless, the more significant the information is to any assassination-related issue, the more information would be released under these guidelines.

CIA Stations and Other Issues

Over the past two years the Review Board has established other guidelines that will continue to guide the review process, some of which will be outlined here. For CIA stations, all locations related to the Mexico City story will be released during the period 1960-69. Outside of that window, they will be released on a case-by-case basis should the identity of the station be critical to understanding the assassination. Other stations, except for those identified as particularly sensitive, will be released from the beginning of the Kennedy administration until the publication of the Warren Commission report, (*i.e.,* January 1, 1961 to October 1, 1964). Outside of these windows, stations will be postponed. Cable prefixes, dispatch prefixes, and field report prefixes would be postponed or released according to the same windows as the stations to which they refer. CIA job titles also are redacted or opened along with the station at which the officer served.

Crypts would be released along lines similar to other information. All "LI" crypts, except those considered particularly sensitive would be released through October 1, 1964, as are "AM" crypts and U.S. government crypts. In other areas, only the digraph is protected. Again, the exception is sensitive crypts, which would be protected in their entirety. After October 1, 1964, the presumption shifts towards protection of the crypts, except those that provide meaningful information about the assassination story. (For example, crypts pertinent to Garrison-era documents would likely carry the same presumption of release as those generated during the Warren Commission.)

Surveillance methods will be released if the nature of the surveillance has a material bearing on information related to the assassination ***unless*** CIA provides evidence demonstrating the political or operational sensitivity, in which case the information will be released in 2017.

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SECRET

Central Intelligence Agency

Washington, D.C. 20505

15 April 1997

MEMORANDUM FOR: David G. Marwell
Executive Director
Assassination Records Review Board

SUBJECT: CIA Employees

(We request that this memorandum be returned to CIA once the Review Board has completed its deliberations on the issues discussed below.)

1. (U) Issue. The purpose of this memo is to relate CIA's concerns to the Review Board regarding the release of the true names of CIA employees that appear in the JFK Collection and to present a proposal on how this problem might be addressed.

I. Factual Background

2. (U) To date, approximately 600 true names of CIA employees have been identified in the JFK Collection. Some of these employees are important to the JFK story, and CIA will continue to work with the Review Board to release as many of these names as possible. Many names, however, appear only a few times in the entire JFK Collection and appear to add nothing to the historical record.

3. (U) Under guidelines adopted by the Review Board on or about 20 March 1996, any names of CIA employees are presumptively released unless CIA provides specific evidence to the Review Board that harm to the national security or to the employee would likely result from such release. Since these guidelines were adopted, it has become increasingly clear that the number of names at issue, and, in most cases, their tenuous connection to the JFK story, make this approach unworkable with regard to both CIA's obligation to

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Subject: CIA Employees

protect national security information and the Review Board's duty to inform the public about the JFK assassination in a timely and accurate fashion. The task of locating and informing hundreds of former employees scattered all over the country and the world has been a formidable one. Some employees have contacted us to report their concerns about a "suspicious" letter purporting to be from CIA which they had received. It would not be surprising, therefore, if many former employees ignored the letter for similar reasons, even though they might have legitimate needs to protect their identities.

4. (U) Contacting every named employee and collecting information on each of them to present to the Review Board will clearly take more time and effort than any of us had anticipated. This will have obvious ramifications for how and when the Review Board releases information to the public. More importantly, the decision to publicly acknowledge employees who may have been living for over 30 years under cover is a critical one that should be made not by default, but rather by careful planning and consideration.

5. (U) Relevant to this discussion is the fact that the Review Board and CIA have recently agreed upon a policy for releasing true names of sources of intelligence information. It was agreed at that time that there would be a presumption of protecting source names; but in cases where a source was particularly important to the JFK story and there was no overriding national security interest, the name would be released. Although the CIA recognizes that there are some sensitivities involved with sources that do not apply to covert employees, there are also many legal and operational similarities, which are described herein, that justify similar treatment by the Review Board. As is further detailed in Section IV, CIA, therefore, proposes that the Review Board adopt a general policy of protecting employee names that appear in the Collection, with exceptions for those individuals whom the Board believes are important to the JFK story.

II. Legal Considerations

6. (U) As both covert CIA employees and clandestine reporting assets are types of "human sources" of intelligence, many of the same laws apply. Although Section 11(a) of the JFK Act provides that, when the Act requires release of information, it takes precedence over all other laws that would otherwise prohibit release, there are strong governmental national security interests in protecting the true names of CIA employees. CIA believes that it is

important for the Review Board to reconsider the laws which protect classified information, because they clearly reflect a larger US Government policy to protect covert CIA employees from disclosure.

7. (U) By Executive order and statute, the President and Congress have made the Director of Central Intelligence responsible for protecting sources of intelligence. In his Directive of 22 January 1946 that established the Central Intelligence Group, President Truman made the DCI responsible for protecting sources. With the establishment of CIA, Congress also gave the DCI this responsibility. The National Security Act of 1947, Section 103(d)(3), codified at 50 USC §403(3)(c)(5), *requires* the DCI to protect intelligence sources from unauthorized disclosure. In addition, §403(3)(d)(2) *requires* the DCI to ensure that risks to the United States and those involved in the collection of intelligence through human sources are minimized.

8. (U) Protecting the identity of individuals working for CIA, not only covertly but overtly as well, has been of particular concern to US lawmakers since the establishment of the Agency. For example, with Section 6 of the Central Intelligence Agency Act of 1949, 50 USC §403g, Congress specifically exempted the CIA from the provisions of any law requiring the publication or disclosure of the organization, functions, names, titles, salaries, or numbers of personnel employed by the Agency.

9. (U) In 1980, Congress passed the Classified Information Procedures Act (CIPA) which sets out pretrial, trial, and appellate procedures for criminal cases involving or potentially involving classified information. Working with the Department of Justice and the courts, CIA has successfully protected the names of CIA employees from public release even in criminal trials where there are heightened (i.e., constitutional) considerations favoring disclosure to the defendant of all government information relevant to the defense. CIPA allows for in camera ex parte hearings in which the judge can rule on questions of admissibility and relevancy of classified information, including the identity of CIA employees who may have information pertaining to the defense, before it is introduced either to the defendant, defense counsel, or in open court. In some cases involving CIA, the judge has ordered that CIA information be turned over to the defense, but only in some unclassified form such as in a summary. In other cases, judges have reviewed the classified information and ruled that the harm to national security outweighs the

defendant's legal rights to the information. In still other cases, the defense was never notified that CIA even had information bearing on the case, as the judge ruled that the mere fact that CIA possessed this information was classified and outweighed any rights the defendant had. Moreover, under CIPA, the Attorney General has the authority to drop a prosecution in those cases where the risk to national security is too great.

10. (U) In 1982, Congress again acted to protect CIA employees by passing the Intelligence Identities Protection Act of 1982, 50 USC §421 that criminalizes the revelation of a covert employee or the identity of a source. This act subjects anyone who reveals information that identifies a "covert agent" to prosecution and provides up to 10 years in prison and $50,000 in fines as punishment. This act specifically defines a "covert agent" as including "an officer or employee of an intelligence agency... ."

11. (U) Most recently, President Clinton signed Executive Order 12958 on classified national security information that became effective in October 1995. Although it requires generally that agencies make greater declassification efforts than under the prior executive order, Executive Order 12958 affords human sources of intelligence information, which would include employees, extra protection from the declassification provisions. Under E.O. 12958, information that is over 25 years old and having historical value must be declassified within five years. However, information revealing the identity of a human source may continue to be protected.

12. (U) The above federal laws show a long-standing practice by the US Government to protect CIA employees from disclosure to the public. In carrying out its statutory obligations, the Review Board should give serious weight to this policy and afford the protection of CIA employees a high priority.

III. Operational Considerations

13. (U) For current CIA employees whose names may appear in the JFK Collection, the operational considerations for protecting their identity are similar to those for sources. Many of these employees have worked "under cover" for CIA. Cover is used to disassociate entire installations and offices from open linkage to intelligence activities, to enable intelligence personnel to enter and work effectively in foreign countries, to shield Agency employees and authorized clandestine activities from attention by hostile elements and from media exposure, to facilitate access to

certain individuals of intelligence interest, to prevent embarrassment to host foreign governments, and to permit plausible denial of CIA's presence and activities in foreign countries.

14. (U) The ability to maintain one's cover is crucial to gathering intelligence. In either a "hostile" or "friendly" country, should the local service become aware of who the CIA employees are, it would increase surveillance and make unilateral operations difficult if not impossible. In some countries, the local government tolerates the CIA presence and agrees to work with us as long as the local population is not aware of the circumstances. Once it becomes known among the locals that certain US Government officials are actually CIA, pressure may be placed on the government to expel those Americans, disrupting liaison and diplomatic relationships. More importantly, covert employees and their families would face increased risk to their personal safety. Even in "friendly" countries, our employees could face some personal risks as well as risks to ongoing operations from extremists who may be living among an otherwise benign local population. In any of these cases, should a covert employee's cover be publicly compromised, that employee may have to be recalled from the field; and it could be difficult to place him elsewhere in an operationally and physically secure location. Thus, maintaining cover is important to a case officer's effectiveness and to the continuation of a career with CIA.

15. (S) Maintaining the confidentiality of cover is also important to cover providers. The Review Board will recall from prior briefings by the Agency that covert CIA employees, both in the United States and overseas, can work under "official" (e.g., State Department) cover or "non-official" (e.g., private company) cover. Disclosure of a covert employee would not only be official acknowledgment of the specific cover mechanism employed by CIA but would also negatively affect the governmental or business mission of the cover provider, especially those who provide non-official cover. Acknowledgment of an employee who had been under non-official cover in a host country and possibly in other countries could have a negative impact on the provider's business interests and activities. It would also cast suspicion on that provider's legitimate employees and their families. Further, exposure of cover providers could affect the recruitment and cooperation of such providers by the Agency and Intelligence Community.

16. (S) Although the majority of names that appear in the Collection are retired CIA employees, the operational considerations in revealing their affiliation with CIA are

not diminished. Similar to sources, many former employees still do not want their past affiliation with CIA revealed. Perhaps their current friends, family, or employers are not aware of this past affiliation; and revelation of that fact could negatively affect personal and professional relationships. Some former employees still live overseas where a revelation of CIA affiliation poses risks to their personal safety. Other former employees travel overseas on business, where a revelation of a past CIA affiliation can threaten their business interests and personal safety. One example of an employee in this category is Robert Fulton, whose name apparently appears only once in the Collection. Fulton retired under Department of State cover; he currently has a consultant business and frequently travels to China. Release of his name would jeopardize not only his business but perhaps even his safety. A similar example is Walter McCabe, who also retired under State cover. He is now working in Russia and several East European countries for a private firm. He does not want his name published, because it could be damaging to his current employer and his professional status.

17. (S) Even if a former employee agrees to the revelation of his name in the JFK Collection, this might not be possible for other reasons. In some cases, officially acknowledging a covert employee could threaten ongoing operations on which that employee worked. Foreign nationals recruited by the employee and still providing information to the US Government would be at risk of exposure. Public acknowledgment could reveal the location of CIA stations where the employee worked throughout his career, including some not released by the Review Board. Any individuals who had substantial contact with a former employee overseas and may have believed they were legitimately providing information to a US corporate representative would be upset to learn they were, in fact, aiding the US Government.

18. (U) Finally, the identification of case officers by their own service would have a chilling effect on prospective assets. Prospective assets would be unlikely to enter into a clandestine relationship with American intelligence if they believe that CIA does not protect even its own staff employees from public disclosure.

IV. Proposal

19. (U) In light of the foregoing, CIA believes it is important to work toward a general policy of protecting CIA employees identified in the JFK Collection, with exceptions made for those individuals who are important to the story of the assassination. The Agency proposes that in most cases a

Subject: CIA Employees

substitution for the true name be used. If the Review Board is concerned about tracking particular employees throughout the records, a particular identifying substitution can be used for a particular employee.

20. (S) CIA believes that this approach will not undermine the Review Board's obligations under the JFK Act. A review of the JFK Collection reveals that approximately 84 of the 600 names appear only once in the entire Collection. In such cases, it is difficult to see how the individuals' identity can add anything of significance to the historical record; yet there may be some security concerns still associated with these individuals. For example, Arthur H. Stimson retired under cover and is currently living in Europe. When the CIA notified him that his name appeared in the JFK Collection and was subject to public release, he told CIA that he was opposed to having his name released and believed such a release could pose personal and security problems. Furthermore, he could not understand why his name even appeared in the Collection, since he had no recollection of being involved in anything related to the assassination.

21. (S) With regard to the approximately 500 names that appear more than once in the Collection, the vast majority of these individuals played almost no role in the JFK story. One example of this is former DO officer Alexander Brasko. His name appears approximately 20-30 times in the Collection simply because he signed off on name trace requests. Mr. Brasko was a covert CIA employee and retired under cover. The public release of his name would provide the public with no additional significant information about JFK. Tom Flores is another example of a covert CIA employee whose name appears in the Collection but has little or no connection to the JFK story. Flores retired under cover, is living in South America, and objects to the release of his name. Mr. Flores' recent letter to CIA is also attached for your convenience.

22. (S) The Agency, of course, recognizes that some names may be particularly important to the JFK story regardless of how frequently or infrequently they appear in the Collection. One such example is former COS Mexico Winston Scott who CIA has acknowledged as a CIA employee. In such cases, the CIA will continue to work with the Review Board for an appropriate resolution. The CIA proposes that the Review Board and its staff identify those individuals whom it believes are important to the JFK story and whose names should be released to the public. These names would carry a presumption of release unless specific evidence is provided to the Review Board that harm would likely result

Subject: CIA Employees

from such release. The CIA will conduct the appropriate searches to determine whether release would pose national security concerns for the US Government or personal safety concerns for the individual. In this way, CIA and the Review Board can concentrate their efforts on individuals who are significant figures in the JFK story, expediting the review of the sequestered collection.

23. (U) It is our hope that the CIA and the Review Board can agree on and work out a mutually acceptable policy regarding the identity of CIA employees that will not undermine the important principle of protecting those who work covertly for the US Government. My staff and I are ready to discuss this matter with you at your convenience.

Michael J. O'Neil
Acting General Counsel

Attachment
A. Tom Flores' letter

Subject: CIA Employees

DCI/OGC/LD/LCCipriani 76124 (10 Apr 97)

OGC-97-50971

Distribution:
Original - Addressee
1 - GC
1 - Lit File - LDG00021
1 - LCC Signer
1 - RDC - FYI
1 - OGC Registry

Secret

26 June 1997

Memorandum to: Jeremy Gunn
ARRB Staff

From: Barry Harrelson
JFK Project Office
CIA/CSI/HRG

Subject: Employee Names Scheduled for ARRB Review

Reference: 201 File and "A" Names Lists

(We request that this memorandum and its attachments be returned to CIA once the Review Board has completed its deliberations on the names discussed below.)

1. The above reference lists identify the protected CIA employee names in the Oswald 201 file and on the ARRB staff's key figures list scheduled for action by the ARRB at its 9-10 July 1997 meeting. This memorandum is a partial response to the ARRB's request for evidence and addresses those individuals on the list currently employed by the Agency and the changes in status of names.

201 List

Current employees requiring continued protection (see attached Cover Staff reports):

Walter C. D'Andrade (Andrade, FNU)
Robert J. Austin
Robert F. Litviak

Release:

FNU Coplewood
Joan Field
N. Judkins
FNU Patten
Harrison L Scott
Carl Trettin
W. Walker

Corrections:

Remove Kurt Johansson (source) -- incorrectly identified as an employee
Add Barbara Graham (B. Graham) -- incorrectly dropped from latest list

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DRV FRM: COV 2-87

<u>Key Figures (A) List</u>

Release:

FNU Connally
FNU Feinglass
Daniel Flores
Lorna McKay
George Misko
David Wilsted

2. For the remaining 38 names on the lists, we will provide evidence supporting their cover status and the need for continued protection as available. By 7 July you should have either specific evidence or a status of search statement for each individual.

Barry Harrelson

Attachments:

Cover history printouts (3) [available in CIA SCIF]

CONFIDENTIAL
(When Filled In)

#19-297

SECRECY AGREEMENT

1. I, Morton Mowbray Palmer III, understand that upon entering on duty with the Central Intelligence Agency I am undertaking a position of trust in that Agency of the Government responsible to the President and the National Security Council for intelligence relating to the security of the United States of America. I understand that in the course of my employment I will acquire information about the Agency and its activities and about intelligence acquired or produced by the Agency.

2. I have read and understand the provisions of the Espionage Act, Title 18, USC, secs. 793 and 794, and I am aware that unauthorized disclosure of classified information relating to the national defense may subject me to prosecution for violation of that Act, whether such disclosure be made while I am an employee of the Central Intelligence Agency or at any time thereafter.

3. In addition, however, as I am undertaking a position of trust, I have a responsibility to the Central Intelligence Agency not to disclose any classified information relating to the Agency without proper authorization. I undertake, therefore, not to discuss with or disclose to any person not authorized to hear it such information relating to the Central Intelligence Agency, its activities, or to intelligence material under the control of the Agency. I further understand that this undertaking is a condition of my employment with the Central Intelligence Agency, that its violation may subject me to immediate dismissal for cause or other appropriate disciplinary action, and that this undertaking shall be equally binding upon me after my employment with the Agency as during it.

4. I understand that the burden is upon me to ascertain whether or not information is classified and if so, who is authorized to receive it, and, therefore, I will obtain the decision of authorized officials of the Agency on these points prior to disclosing information relating to the Agency, and failure to obtain such a decision will be grounds for my dismissal.

5. I understand that my unauthorized action or utterance in the nature of a publication or which would reasonably be expected to result in publicity on intelligence or intelligence activities would be in violation of Government and Agency regulations and would be grounds for my dismissal.

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FORM NO. 368 OBSOLETE PREVIOUS EDITIONS
1 DEC 55

13-00000

6. I understand that for all grievances and complaints there are established procedures within the Agency permitting appeal by any employee of the Agency and to carry any such grievance or complaint outside the Agency will be considered a violation of the undertaking set forth above in paragraph 3. If the appeal procedures are inadequate in any situation, I am aware that the Inspector General is at all times available to any employee with a legitimate criticism, grievance, or complaint.

7. I further understand and agree that my employment by the Central Intelligence Agency is conditioned upon my understanding of and strict compliance with CIA Security Regulations, and the appendices thereto.

8. Inasmuch as employment by the Government is a privilege not a right, in consideration of my employment by CIA I undertake not to publish or participate in the publication of any information or material relating to the Agency, its activities or intelligence activities generally, either during or after the term of my employment by the Agency without specific prior approval by the Agency.

9. I agree that all information or intelligence acquired by me in connection with my official duties with the Central Intelligence Agency remains the property of the United States of America, and I will surrender, upon demand by an appropriate official of the Agency or upon separation from the Agency, any material relating to such information and intelligence in my possession.

10. I take the obligations set forth above freely, without any mental reservations or purpose of evasion.

IN WITNESS WHEREOF, I have set my hand and seal this 9th day of July, 1962.

Morton Mowbray Palmer III (Seal)

Witness:

Doris Shea

9 JUL 1962

Date

[redacted]

SECRET

2. THE UNCLASSIFIED SAE, COORDINATED IN DRAFT WITH CCS/OSB, IS AS FOLLOUS:

Morton M. Palmer

SUMMARY: TRILINGUAL SENIOR EXECUTIVE SERVICE OFFICER (DEPARTMENT OF STATE 1962-1990) WITH EXTENSIVE EXPERIENCE WORKING WITH THE U.S. CONGRESS, MORE THAN 16 YEARS WORKING AND LIVING IN LATIN AMERICA (ECUADOR, URUGUAY, ARGENTINA, BRAZIL, PERU AND MEXICO). ELEVEN OF THOSE YEARS WERE IN SUPERVISORY AND SENIOR MANAGEMENT POSITIONS. RECEIVED A SENIOR EXECUTIVE SERVICE AWARD FOR HAVING MADE OUTSTANDING CONTRIBUTIONS TO OVERALL RELATIONS WITH THE VARIOUS HOUSE COMMITTEES CONCERNED WITH FOREIGN POLICY (TO INCLUDE THE HOUSE ARMED SERVICE, APPROPRIATIONS, SELECT COMMITTEE ON INTELLIGENCE, SELECT COMMITTEE ON NARCOTICS, AND FOREIGN AFFAIRS). THIS WAS COMPLEMENTED BY INDIVIDUAL LETTERS OF COMMENDATION FROM MAJORITY AS WELL AS MINORITY MEMBERS OF THOSE COMMITTEES. IN MEXICO, MAINTAINED FRUITFUL CONTACT WITH CABINET MEMBERS AND WAS A MAJOR PLAYER IN THE DIALOGUE AND POLICY GUIDANCE BUILDING UP TO (INTER ALIA) THE DEBT NEGOTIATIONS AGREEMENT AND ENSUING COMMERCIAL OPENINGS.

DETAILS:

-TOP SECRET AND SPECIAL COMPARTMENTED CLEARANCES.

-DRAFTER AND/OR COORDINATOR ON MYRIAD POLICY, POSITION AND GUIDANCE PAPERS IMPACTING ON US PUBLIC AND PRIVATE SECTOR RELATIONSHIPS WITH MEXICO. MAJOR PLAYER IN ENSURING THAT HIGHEST LEVELS OF THE USG FULLY UNDERSTOOD THE COMPLEXITIES OF THE EVOLVING POLITICAL AND ECONOMIC SITUATION IN MEXICO.

-DAILY INTERLOQUTOR WITH MEXICAN CABINET OFFICERS DURING SLIGHTLY LESS THAN FOUR YEARS IN MEXICO CITY.

-IN PREVIOUS WASHINGTON ASSIGNMENT, DEALT EXTENSIVELY WITH THE FULL RANGE OF FOREIGN POLICY ELEMENTS OF THE USG. GAVE IN HOUSE AS WELL AS NUMEROUS INTER AGENCY SPEECHES ON A VARIETY OF MATTERS OF MUTUAL CONCERN.

-1980-1984 - FLAGGED THE THEN EMERGING SENDERO LUMINOSO AS A SERIOUS THREAT TO PERUVIAN SECURITY AND WAS THE FIRST SENIOR OFFICIAL TO INSIST THAT PERUVIAN COCA PRODUCTION WAS TEN TIMES THE PREVIOUS ESTIMATES. (SADLY, BOTH OBSERVATIONS HAVE TURNED OUT TO BE ALTOGETHER ACCURATE.)

-IN 1978-1980 PERIOD, WORKED FOR THE OFFICE OF LEGISLATIVE AFFAIRS WITH RESPONSIBILITIES FOR OVERALL RELATIONS WITH ALL COMMITTEES OF THE HOUSE OF REPRESENTATIVES. RECEIVED A SENIOR EXECUTIVE SERVICE AWARD AND EFFUSIVE LETTERS OF APPRECIATION FROM MEMBERS OF SIX COMMITTEES.

-IN VARIOUS MANAGEMENT POSITIONS, TWICE WAS IN CHARGE OF UNITS WHICH EXCEEDED TWO HUNDRED PERSONS. HIRED, FIRED, NEGOTIATED, AND PROVIDED ADVICE, GUIDANCE AND DIRECTION AS APPROPRIATE.

SECRET

I understand that the Summary of Agency Employment (SAE) defines the outer limits of what I may disclose to unauthorized persons concerning my employment by the Central Intelligence Agency. I further understand that disclosure of information about my Agency employment which is not contained in my SAE may constitute a violation of my Secrecy Agreement. I promise that all statements which I make to unauthorized persons concerning my Agency employment will be consistent with my SAE and limited by its content.

11 OCT 1989
Date

[signature]
Signature

SECRET

OCC-95-149

07 DEC 1995

MEMORANDUM FOR: JFK Assassination Records Review Board

VIA: Associate Deputy Director for Operations
Associate Deputy Director for Operations/Human Resources and Programs

FROM: Eric L. Qualkenbush
Chief, Office of Central Cover

SUBJECT: Proposed CIA Name Release

1. The Agency strongly objects to the release of names of individuals presently under cover, whether active employees or separated employees. As described below, this action would breach Agency commitments to these individuals who agreed to work under cover in addition to breaching our obligations to the cover providers.

2. Employees sign a secrecy agreement (Attachment A) upon entering on duty with the Agency. This agreement pledges the employee's secrecy to information which is classified and has not been publicly acknowledged by the Agency and requires the employee to protect such information from unauthorized disclosure. This secrecy agreement, as long as it remains in force by mutual agreement, obliges CIA to protect the identities of Agency employees, our cover providers and covert activities.

3. Because this secrecy agreement creates a moral as well as legal bond between the Agency and the employee, it is Agency policy to protect the names of former employees who have separated under cover unless the Agency and the employee mutually agree to remove the cover. Identifying as CIA those employees who are mandated by the Agency to use a cover story, i.e., Department of State or the "ABC" Corporation, for their entire Agency career as well as into their years after separation from the Agency, jeopardizes:

- the personal safety of former employees;

WARNING NOTICE
INTELLIGENCE SOURCES
OR METHODS INVOLVED

CL 0489932
CL REASON: 1.5 (c)
DECL ON: X1
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SECRET

- the second careers of former employees;

- the cover and identity of other employees who worked with the covert employee whose name is released as CIA; and,

- the protection of sources and methods (what individual would agree to a clandestine relationship with American intelligence knowing the secret association would become public knowledge?).

4. Examples of how identifying covert employees as CIA will affect individuals follows:

- Mr. Walter McCabe retired under Department of State cover and is currently working in Russia and several Eastern European countries for a private firm which converts "wartime" factories into peacetime use. Revealing his name would damage his relationship with his current employer, his position with the firm and would be awkward at best regarding the host countries. Attachment B is Mr. McCabe's acknowledgement that he was aware he would be denied as a CIA employee and Attachment C is his signed secrecy agreement.

- Attachment D is a signed ackowledgement from Mr. John Whitten who retired under cover in 1970 which shows that he was aware that he would be denied as an employee of the Central Intelligence Agency from the date he entered on duty through the date of his departure. Attachment E is a personal letter received from Mr. Whitten after he was notified that his name might be released in connection with declassification of CIA documents. Attachment F is Mr. Whitten's signed secrecy agreement. It should be noted that Mr. Whitten resides in Austria.

- Attachment G is a Summary of Agency Employment (SAE) written by Mr. Morton M. Palmer and approved by the Agency. Attachment H is a certification by Mr. Palmer that he will abide by what is contained in his SAE and understands disclosure of other information would be in violation of his secrecy

SUBJECT: Memo to JFK Assassination Records Review Board

agreement. Attachment I is Mr. Palmer's signed secrecy agreement. It should be noted that Mr. Palmer resides in Mexico.

5. Our relationship with cover providers would be jeopardized if it became publicly known that they were providing cover to CIA employees. The Department of State could very well raise objections to our future use of State cover. Of increasing importance to the Agency at this time is the critical use of private sector (nonofficial) cover providers. The private sector would no doubt drop contact and avoid future dealings with us if we reveal a covert relationship. Identifying covert relationships with cover providers would paralyze Agency operations which in turn could severely damage national security. In addition, in the past it has exposed CIA to legal liabilities and substantial monetary damages.

6. Headquarters Regulation (HR) 240-1 is the Agency's regulation on cover. It states that "cover is required for all Agency operations, activities and installations abroad, including personnel in PCS or TDY status." HR 240-2, the Agency's regulation on cover after separation, states that "the determination that an employee will retain all or a part of his or her cover after separation from the Agency will be based upon the judgment that separation in an overt status could result in damage to the national security by compromising intelligence sources, methods, activities, and/or information, or cause harm to foreign relations. This determination will be made on a case-by-case basis." Please note that all Agency employees who retire abroad must retire under cover.

7. Release of names of former employees who separated under cover will make the entire Agency cover program vulnerable and detract from our continuing efforts to enhance cover and conduct sometimes dangerous activities necessary to carry out the Agency's mission. We can accept the purpose of the JFK Assassination Records Review Act to declassify documents for public consumption; however, we submit that the release of true names of former Agency employees adds no value to the documents in addition to risking physical harm to these individuals from our public detractors. We propose and emphatically encourage that pseudonyms, aliases or generic job descriptions such as desk officer be used in place of true names which would not diminish the impact of the documents.

SUBJECT: Memo to JFK Assassination Records Review Board

8. After your review and consideration of the above information, we would appreciate notification of your final decision prior to taking any action.

Eric L. Qualkenbush

Attachments:
As stated above

CONCUR:

Christine W. Wiley

Associate Deputy Director for Operations/Human Resources and Programs

DEC 08 1995
Date

David N. Ed...

Associate Deputy Director for Operations

Date DEC 08 1995

SUBJECT: Memo to JFK Assassination Records Review Board

DC/OCC/OSG/EMathias:lae/37076 (6 Dec 95)

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1 - OCC Chron
1 - OCC/OSG Chron
1 - OCC/OSG File 785-120-034

13-00000

DEC 11 '95 11:14AM P.1

COVER SHEET

FAX

To: Mr. Barry Harrelson
Fax #: (703) 351-2114
Subject: December meeting
Date: December 11, 1995
Pages: 3, including this cover sheet.

COMMENTS:

The types of information that the Board needs to know about each of the true names on the attached list for which CIA seeks continued protection are listed below:

1. Is the individual a current or former CIA employee? If so, in what capacity did that individual serve, and did he or she serve overtly or covertly? If currently a retired CIA employee, did the individual retire under cover?

2. If not a CIA officer, did the individual serve CIA as an agent or asset or in any other capacity?

3. Is the individual alive or dead? If alive, where is he or she residing, and what is his or her current activity?

4. What specific and compelling danger would release of this individual's true name pose to him or her at this time?

Of course, you do not need to do anything other than identify those individuals whose true names CIA no longer seeks to protect.

- Secret Attachment -

From the desk of...

Noelle C. Gray
Technical Assistant for Research and Analysis
Assassination Records Review Board
600 E Street, NW, Second Floor
Washington, D.C. 20530

(202) 724-0088
Fax: (202) 724-0457

SECRET

W.L. O'Brien
104-10017-10042

F.N.U. Patten
104-10015-10163

Riefe
104-10016-10006

Bonnie Raush
104-10015-10138

Dave Reardon
104-10095-10001

Milly Rodriguez
104-10095-10001

Jane Roman
104-10015-10163

Tom Ryan
104-10018-10096

D.W. Schroeder
104-10017-10042

Forrest Shivers
104-10017-10031

Mr. Snight
104-10015-10143

Mr. Swenson
104-10015-10233

Swider
104-10015-10298

Dr. Stanojevic
104-10017-10001

Boris Tarasoff
104-10095-10001

Pelegrin Tomas
104-10018-10062

R.T. Walsh
104-10015-10386
(Same as Mr. Walsh in 104-10017-10035?)

T. Ward
104-10004-10257

Franklin Anthony Wheelock Garcia
104-10015-10192

Zeitner Rick
104-10017-10056

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13-00000

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NAMES WHICH CIA CONTINUES TO PROTECT IN DOCUMENTS PREPARED FOR THE DECEMBER 12-13, 1995 ARRB MEETING

Charlotte Aberg
104-10018-10089

Anderson
104-10095-10001

Ray Brewer
104-10015-10001

Peter Baranowski
104-10016-10013

Brogdon
104-10016-10033

Baquero
104-10017-10052

Leona Cotter
104-10018-10099

Dasinti
104-10018-10062

Duncan
104-10015-10043

DeSanti
104-10018-10062

D'Aluto
104-10015-10305

P.L. Dillon
104-10017-10042

Charlie Flick
104-10095-10001

Grady
104-10015-10043

Godiner
104-10017-10052

John Harvey
104-10015-10158

Hutchinson
104-10018-10062

William Johnson
104-10015-10396
("Johnson" released in 104-10015-10375)

Jim Jung
104-10017-10002

Tom Keenan
104-10095-10001

Pam Lee
104-10015-10160

Mallery
104-10015-10110

Manell
104-10015-10339

Anne McDonnell
104-10015-10155

SECRET

13-00000

SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional) Proposed CIA Name Release

FROM:	EXTENSION	NO.
Elaine Mathias *esm* DC/OCC/OSG 6B4403 OHB	37076	DATE 7 Dec 95

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. Sue Burggraf C/OSG 6B4403 OHB			✓	1. Please call Lisa for hand carry at x32429 *(will hand carry to IMS/HRS for delivery to JFK Assassination Records Review Board)*
2. Barry R. Gibson DC/OCC 6B4401 OHB		12/7	*BRG*	
3. Eric L. Qualkenbush C/OCC 6B4401 OHB		12/7	*[initials unclear]*	
4.				
5. DDO Secretariat 7F27 OHB	DEC 07 1995		*[initials unclear]*	
6. Christine W. Wiley ADDO/HRP 7E17 OHB		8	*CWW*	
7. David N. Edger ADDO 7E30 OHB			✓	
8.				
9.				
10. OCC/OSG 6B4403 OHB				
11.				
12.				
13.				
14.				
15.				

FORM 1-79 610 (EF) USE PREVIOUS EDITIONS

SECRET

SECRET

OCC-95-149

07 DEC 1995

MEMORANDUM FOR: JFK Assassination Records Review Board

VIA: Associate Deputy Director for Operations
Associate Deputy Director for Operations/Human Resources and Programs

FROM: Eric L. Qualkenbush
Chief, Office of Central Cover

SUBJECT: Proposed CIA Name Release

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- the personal safety of former employees;

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CL 0489932
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- the second careers of former employees;
- the cover and identity of other employees who worked with the covert employee whose name is released as CIA; and,
- the protection of sources and methods (what individual would agree to a clandestine relationship with American intelligence knowing the secret association would become public knowledge?).

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- Attachment D is a signed ackowledgement from Mr. John Whitten who retired under cover in 1970 which shows that he was aware that he would be denied as an employee of the Central Intelligence Agency from the date he entered on duty through the date of his departure. Attachment E is a personal letter received from Mr. Whitten after he was notified that his name might be released in connection with declassification of CIA documents. Attachment F is Mr. Whitten's signed secrecy agreement. It should be noted that Mr. Whitten resides in Austria.
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SUBJECT: Memo to JFK Assassination Records Review Board

agreement. Attachment I is Mr. Palmer's signed secrecy agreement. It should be noted that Mr. Palmer resides in Mexico.

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SUBJECT: Memo to JFK Assassination Records Review Board

8. After your review and consideration of the above information, we would appreciate notification of your final decision prior to taking any action.

Eric L. Qualkenbush

Attachments:
As stated above

CONCUR:

Associate Deputy Director for Operations/Human Resources and Programs

Date 8 Dec '95

Associate Deputy Director for Operations

Date 8 XII 95

SUBJECT: Memo to JFK Assassination Records Review Board

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1 - OCC Chron
1 - OCC/OSG Chron
1 - OCC/OSG File 785-120-034

CONFIDENTIAL
(When Filled In)

SECRECY OATH

I, John M. Whitten, am about to terminate my association with the Central Intelligence Agency. I realize that, by virtue of my duties with that Agency, I have been the recipient of information and intelligence which concerns the present and future security of the United States of America. I am aware that the unauthorized disclosure of such information is prohibited by the Espionage Laws (18 USC secs. 793 and 794), and by the National Security Act of 1947 which specifically requires the protection of intelligence sources and methods from unauthorized disclosure. Accordingly, I SOLEMNLY SWEAR, WITHOUT MENTAL RESERVATION OR PURPOSE OF EVASION, AND IN THE ABSENCE OF DURESS, AS FOLLOWS:

1. I will never divulge, publish, or reveal by writing, word, conduct, or otherwise, any information relating to the national defense and security and particularly information of this nature relating to intelligence sources, methods and operations, and specifically Central Intelligence Agency operations, sources, methods, personnel, fiscal data, or security measures to anyone, including but not limited to, any future governmental or private employer, private citizen, or other Government employee or official without the express written consent of the Director of Central Intelligence or his authorized representative.

2. I have been invited to submit in writing any monetary claims which I may have against CIA or the United States Government which may in any way necessitate the disclosure of information described herein. I have been advised that any such claims will receive full legal consideration. In the event, however, that I am not satisfied with the decisions of CIA concerning any present or future claims I may submit, I will not take any other action to obtain satisfaction without prior written notice to CIA, and then only in accordance with such legal and security advice as CIA will promptly furnish me.

3. I do not have any documents or materials in my possession, classified or unclassified, which are the property of, or in custodial responsibility of the Central Intelligence Agency, having come into my possession as a result of my duties with the Central Intelligence Agency, or otherwise.

4. During my exit processing and during my period of employment with the Central Intelligence Agency I have been given an opportunity to report all information about the Agency, its personnel, and its operations which I consider should receive official cognizance. Hence, I am not aware of any information, which it is my duty in the national interest to disclose to the Central Intelligence Agency, nor am I aware of any violations or breaches of security which I have not officially reported, except as set forth on the reverse side of this sheet or on other attachments.

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13-00000

SECRET

SECRECY AGREEMENT

1. I, JOHN M. WHITTEN, understand that by virtue of my duties in the Central Intelligence Group, I may be the recipient of information and intelligence which concerns the present and future security of the United States and which belongs to the United States. This information and intelligence, together with the methods of collecting and handling it, are classified according to standards set in the State, War, and Navy Departments. I have read and understand the provisions of the Act of Congress of June 15, 1917 (Espionage Act), as amended, concerning the disclosure of information relating to the National Defense and I am familiar with the penalties provided for violation thereof.

2. I agree that I do not now, nor shall I ever possess any right, interest, title or claim in or to any of the information or intelligence or the methods of collecting or handling of it which has come or shall come to my attention by virtue of my connection with the Central Intelligence Group, but shall always recognize the property right of the United States of America in and to such matters.

3. I do solemnly swear that I will never divulge, publish nor reveal either by word, conduct, or by any other means such classified information, intelligence or knowledge, except in the performance of my official duties and in accordance with the laws of the United States, unless specifically authorized in writing in each case by the Director of Central Intelligence.

4. I understand that no change in my assignment or employment will relieve me of my obligation under this oath and that the provisions of this oath will remain binding upon me even after the termination of my services with the United States.

5. I understand that my employment by the Central Intelligence Group is conditioned upon my understanding of and strict compliance with "Security Regulations CIG," and the appendices thereto.

6. I take this obligation freely, without any mental reservation or purpose of evasion.

In witness whereof I have set my hand and seal this 22nd day of AUGUST 1947

John M. Whitten (Seal)

Sworn to before me this 22nd day of August 1947

at Washington, D.C.

Rebecca D. Davidson

SECRET

My Commission Expires March 22, 1951

(711)

To Bert Mills:

I object violently to the revelation of my name regardless of the law. Here are some reasons:

1. I emigrated to Austria twice, first in 1971 and again in 1983. Both times I had to fill out and swear to lengthy forms about my background. I used my retired State cover both times, thereby committing perjury twice under Austrian law. My old friends in high places who might have been able to protect me have all retired or, even more, died. Austrian justice is notoriously immutable. Do you want me to go to jail?

2. Living since retirement in Austria from 1971 to 1980 and from 1983 to the present, I have achieved high positions in various musical bodies, Board of Directors of the Johann Strauss Society and Vice President of the Vienna Men's Singing Society, and I am personally known to several recent Austrian Presidents, many reporters and radio figures. I suffered a disabling stroke in December 1993 and my wife and I, both 75, can continue to exist here because our 2000 sq. ft. apartment is within walking distance of 2 post offices, several small super markets, my family physician, our dentist, my urologist, and our eye doctor and optician. We are within wheel chair distance of the concert halls and the opera. Where can you duplicate this for me?

3. During my active career in Vienna around 1959 I interrogated and broke an intelligence swindler who had been a Nazi assassin. I promised him secrecy if he confessed, but the US Army put out a "burn notice" on him, forcing him to move to Germany. I am sure he would love to find me and shoot me.

4. Vienna is full of Islamic terrorists. There have

REFERENCE

been several assassinations, even of a city councilman, by them in recent years. Under Austrian law, I, as a foreigner, can not even get a pistol license. You must know about the kidnapping and killing of our colleagues around the world.

4. I have twice testified before House and Senate committees about the Kennedy assassination. Their full reports simply called me the "desk officer" and that has seemed to satisfy everyone. Needless to say, if you do expose my name, I will not even talk to any journalists or so-called historians.

5. If my name is exposed, I will obviously have to leave Vienna, with the whole house full of furniture, pictures, library, clothing, etc. which I packed and paid to have moved over here in 1983. Because of my stroke, I will be unable to do any packing and the move will be very expensive. Where can I resettle in an 2000 sq ft. apt. so conveniently located.

6. My wife and I love living here for many reasons, and leaving would be a cruel and needless fate.

7. I regard this law as dishonorable and unworthy of the United States of America. If you decide against me, I want to appeal before the Board and even the President, whom I happen to admire. I will pay my own way back to do so. I served in WWII and never spared myself; in the outfit I worked hard, was fearless in dealing with my superiors (Cord Meyer and Dick Helms can testify to that) and my adversaries. I wouldn't even think of threatening to expose things to pressure you. I will be employing an attorney or two, familiar with our affairs, to represent me. I will not deny, that I consider you and every one else implementing this law to be engaging in dishonorable conduct, unworthy of our government service.

8 In the late 1960's while serving in Vienna under Tom Karamessines, I was ordered by HQ to reveal to Austrian Military Intelligence that a low-ranking Austrian diplomat serving as their informant in Budapest had also been recruited by us and was reporting to us. I refused to carry out this order and offered my resignation. To me, it was dishonorable to betray a young agent who had accepted our recruitment and put faith in our promise of secrecy. To my mind an agency without principles can not survive and indeed should not survive. Tom Karamessines, perhaps one of the last honorable men to serve with us in high position, fired a stinging cable back and the shameful order was retracted.

9. I have invested about $50,000 in my apartment, in key money and improvements. If I leave, I will lose all or most of this. Our last move to Vienna cost me about $15,000 in sea freight and insurance. I will never get on my knees and ask to be made whole if you expose me, but I may resort to the courts. I am a retired member of the Virginia Bar.

10. Let me regale you with an example of how the historian's mindless drive to know everything can lead to a proud country's disgracing itself. During WWII when we were interrogating German POW's, we promised them no one would ever learn they had "spilled their guts," and we all believed we were being honest. But about 25 years after WWII the British declassified all the ADI(K) reports (that's what they were called, and even the "room conversation" transcripts

13-00000

of the conversation POWs had in their rooms, even including the extremely valuable speeches made by high-ranking Luftwaffe officers to their high-ranking fellow POW's at "Cockfosters" [Cockfosters]. Newcomers were vetted by the old mansion. Newcomers were vetted by the old hands for a month, to make sure they weren't stool pigeons, before they were given the privilege of addressing their fellow officers on some important aspect of the war. The excellent british mikes picked it all up.

In recent years, at least one Luftwaffe veteran association, that of J.G. 2, the Richthofen Geschwader, sent people to London to get copies of the interrogation reports of their pilots. They did it chronologically and were so shocked at the vast amount of vital data revealed by their buddies that, in acute revulsion, they stopped looking. I assured them that "everyone" had "talked", which is true

11, I am 75 years old partly paralyzed on my left side from a stroke in Dec. 1993. I was nearly fully rehabilitated when, in May 1994, I was hit by constant muscle spasms all up and down my left side. This rather rare condition, basically a sudden super-human tightening of all the muscles, with after effects lasting until the next spasms, have made it increasingly difficult for me to stand up, walk, or even sit up for very long. In a few days, when all the many medicines are here, will begin a 20-week homeopathic cure for the spasms under Dr. Schramm, a leading specialist here. I can't very well leave for 20 weeks.

You will be contacted momentarily by one of my attorneys. I will also be in touch with my Congressman and Senator.

With bitter resolve,

John M. Whitten

SECRET

RETIREMENT AND RESIGNATION EXIT COVER BRIEFING

NAME (Last, first, middle)	STAFF OR DIVISION	CCS FILE NO.
WHITTEN, John Moss	FI/OPS	3562

GRADE & STEP	SOCIAL SECURITY NUMBER		VOUCHERED FUNDS		UNVOUCHERED FUNDS
GS-16/5	213-12-1338				

X RETIREMENT	FORM	3102	SF-2801	ATTACHED	AGENCY EOD	22 aug 1947
RESIGNATION / LWOP	DATE(S)	31 July 1970			LAST WORKING DAY	31 July 70

AGENCY JOB TITLE

CIA EMPLOYMENT HISTORY INCLUDING OVERT PERIODS *(include both domestic and overseas assignments)*

DATE FROM	DATE TO	AREA OF ASSIGNMENT COUNTRY	CITY	COVER	NOMINAL	INTEGRATED
aug 47	may 48	Washington	D.C.	DAC		
May 48	Sept 52	Germany		DAC		
Sept 52	mar 55	Washington	D.C.	DAC		
mar 55	oct 55	austria	Vienna	DAC		
10 oct 55	July 60	austria	Vienna	State		~~in Field~~
July 60	mar 62	Korea	Seoul	State		~~X~~
mar 62	18 apr 70	Washington	D.C.	State		~~X~~
19 apr 70		Washington	D.C.	State	~~X~~	

CIA IS A MATTER OF RECORD AT *(include acknowledgement by OP)*

PLACE	DATE USED	PLACE	DATE USED
No			

FORM 5-70 2554 OBSOLETE PREVIOUS EDITIONS

SECRET

GROUP 1 EXCLUDED FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION

(4 9-12-21)

SECRET

FUTURE EMPLOYMENT PLANS		U.S.		GOVERNMENT
	X	OVERSEAS	X	NONGOVERNMENT

RETIREMENT		CIVIL SERVICE	✓	CIA		OTHER (specify)

FOREIGN TRAVEL PLANS

Plans to reside Vienna, Austria

SENSITIVE, SPECIAL, OR COVERT SITE ASSIGNMENTS

LIST RELATIVES EMPLOYED BY CIA	CIA AWARDS			
	MEDALLION		CERTIFICATE OF DISTINCTION	
	INTELLIGENCE MEDAL		LENGTH OF SERVICE CERT.	
	OTHER (specify)			

	EMPLOYEE HAS NOT BEEN DECLARED OR COMPROMISED				
	EMPLOYEE HAS BEEN		DECLARED		COMPROMISED No record in CCS file

CREDIT BUREAU RECORDS INDICATE	AGENCY	NONAGENCY

COVER BRIEFING

	ACKNOWLEDGE AGENCY EMPLOYMENT FOR COMPLETE PERIOD OF ASSIGNMENT
X	DO NOT ACKNOWLEDGE AGENCY EMPLOYMENT. USE INSTRUCTIONS AS OUTLINED BELOW
	ACKNOWLEDGE PARTIAL AGENCY EMPLOYMENT AS INDICATED BELOW

THE EMPLOYMENT HISTORY ON PAGE 1 IS THE ACTUAL DESCRIPTION OF SERVICE. THE EMPLOYMENT HISTORY BELOW IS THE COVER STORY CONTRIVED FOR USE AFTER DEPARTURE FROM AGENCY EMPLOYMENT.

DATE FROM	DATE TO	AREA OF ASSIGNMENT	TYPE OF COVER	COVER ORGANIZATION	JOB TITLE
aug 47	May 48	Washington	DAC		
May 48	Sept 52	Germany	DAC		
Sept 52	Mar 55	Washington	DAC		
Mar 55	Oct 55	Austria	DAC		
10 Oct 55	July 60	Austria	Int	State	Pol Off.
July 60	Mar 62	Korea	Int	State	att. Pol. Off
Mar 62	18 apr 70	Washington	Int	State	
19 apr 70		Washington	Int	State	Present Office

SECRET

SECRET

TYPE HEALTH INSURANCE CARD ISSUED	✓	AGE		GEHA		NACS		OTHER (specify)
LIFE INSURANCE ✓ WILL CONVERT | WILL NOT CONVERT		FEGLI		WAEPA		UBLIC		OTHER (specify)

DEPARTING EMPLOYEES ACKNOWLEDGEMENT

I acknowledge that I have been briefed by the Central Cover Staff on the date noted below and do understand that I will be Denied as an employee of the Central Intelligence Agency from the date I entered on duty through the date of departure in accordance with instructions as outlined above.

I have been informed as to the employment references applicable in my case.

15 July 1970 — DATE

John M. Whitten — SIGNATURE

REMARKS

COORDINATION

CCS/OCM	CCS/OCS	CCS/OCO	CCS/NC

SIGNATURE OF COVER OFFICER: T. W. McLean

FINAL APPROVING AUTHORITY

SECRET

SECRET

TAX BRIEFING SUMMARY

N.A.

BANKING INSTRUCTIONS

N.A.

FOLLOW-UP ACTION TO BE TAKEN BY COVER OFFICER

I	BLOCK RECORDS IN OFFICE OF PERSONNEL	X	YES		NO	DATE
II	NOTIFY OFFICE OF FINANCE TO HANDLE THE CSC COMPUTATION FORMS IN A COVERT MANNER FOR BLOCKING RECORDS AT CIVIL SERVICE COMMISSION		YES		NO	DATE
III	OBTAIN REFUND OF CIVIL SERVICE RETIREMENT FUNDS IN A COVERT MANNER		YES		NO	DATE
IV	RETURN OF CIARD FUNDS FROM CSC		OVERT		COVERT	
V	APPLICATION TO PURCHASE CSC CREDITS		OVERT		COVERT	
VI	CREDIT UNION QUERRIED				YES	NO

MISCELLANEOUS INFORMATION PERTAINING TO DEPARTING EMPLOYEE

FORWARDING ADDRESS	NEW EMPLOYMENT ADDRESS

IDENTITY AND ADDRESS OF EMERGENCY CONTACT

IF SUBJECT HAS APPLIED FOR NEW EMPLOYMENT PRIOR TO CONTACTING CCS WHAT EMPLOYMENT REFERENCE DID SUBJECT USE?

HAS SUBJECT BEEN QUESTIONED TO ASSURE HE OR SHE DID NOT USE AGENCY PERSONNEL FOR REFERENCE [ ] YES [ ] NO

SUBJECT [✓] HAS [ ] HAS NOT RETURNED ALL COVER DOCUMENTATION IDENTIFY DOCUMENTS THAT HAVE NOT BEEN RETURNED.

IF BACKSTOPPING IS NECESSARY GIVE REASON Was under cover for entire period of employment. Plans to reside abroad after retirement

ANNUITY PAYMENT TO BE CHANNELED BY [ ] GREEN CHECK [ ] BANK TRANSFER [ ] NOC

CONTACT INSTRUCTIONS	1099 MAILING INSTRUCTIONS

SUMMARY OF AGENCY EMPLOYMENT	DATE RECEIVED	DATE APPROVED

MEDICAL RECORDS [ ] WILL REQUEST [ ] WILL NOT REQUEST | SOCIAL SECURITY CREDITS

SHOULD NOTICE OF RESIGNATION BE RESTRICTED INHOUSE [ ] YES [ ] NO

SECRET

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SECURITY REMINDER

1. I, Walter C. McCabe, have been reminded that, by virtue of my duties with the Central Intelligence Agency, I have been the recipient of classified information and information concerning intelligence sources and methods, and that my Entrance on Duty Secrecy Agreement requires me to protect such data. Moreover, I have been given an opportunity to review my Entrance on Duty Secrecy Agreement.

2. I have also been reminded that I am not permitted to retain any documents or other materials which are the property of the CIA or the custodial responsibility of CIA, and I affirm that I do not have in my possession, nor am I taking away from CIA any such documents or materials.

3. Finally, I am aware of my responsibility to notify the CIA promptly in the event I am called upon by properly constituted authorities to testify or provide information that I am pledged not to disclose and I will advise said authority of my secrecy agreement and request that my obligation to testify be established before I am required to do so.

Walter C. McCabe
Signature

February 29th 1980
Date

Witness:

[signature]
Signature

29 Feb. 1980
Date

FORM 5-77 305 OBSOLETE PREVIOUS EDITIONS

13-00000

SECRECY AGREEMENT

1. I, ______________________ (print full name), hereby agree to accept as a prior condition of my being employed by, or otherwise retained to perform services for, the Central Intelligence Agency, or for staff elements of the Office of the Director of Central Intelligence (hereinafter collectively referred to as the "Central Intelligence Agency"), the obligations contained in this agreement.

2. I understand that in the course of my employment or other service with the Central Intelligence Agency I may be given access to information which is classified in accordance with the standards set forth in Executive Order 12065 as amended or superseded, or other applicable Executive Order, and other information which, if disclosed in an unauthorized manner, would jeopardize foreign intelligence activities of the United States Government. I accept that by being granted access to such information I will be placed in a position of special confidence and trust and become obligated to protect the information from unauthorized disclosure.

3. In consideration for being employed or otherwise retained to provide services to the Central Intelligence Agency, I hereby agree that I will never disclose in any form or any manner any of the following categories of information or materials, to any person not authorized by the Central Intelligence Agency to receive them:

a. information which is classified pursuant to Executive Order and which I have obtained during the course of my employment or other service with the Central Intelligence Agency;

b. information, or materials which reveal information, classifiable pursuant to Executive Order and obtained by me in the course of my employment or other service with the Central Intelligence Agency but which, because of operational circumstance or oversight, is not formally marked as classified in accordance with such Executive Order and which I know or have reason to know has not been publicly acknowledged by the Agency;

c. information obtained by me in the course of my employment or other service with the Central Intelligence Agency that identifies any person or organization that presently has or formerly has had a relationship with a United States foreign intelligence organization, which relationship the United States Government has taken affirmative measures to conceal.

4. I understand that the burden will be upon me to learn whether information or materials within my control are considered by the Central Intelligence Agency to fit the descriptions set forth in paragraph 3, and whom the Agency has authorized to receive it.

5. As a further condition of the special confidence and trust reposed in me by the Central Intelligence Agency, I hereby agree to submit for review by the Central Intelligence Agency all information or materials including works of fiction which contain any mention of intelligence data or activities, or contain data which may be based upon information classified pursuant to Executive Order, which I contemplate disclosing publicly or which I have actually prepared for public disclosure, either during my employment or other service with the Central Intelligence Agency or at any time thereafter, prior to discussing it with/or showing it to anyone who is not authorized to have access to it. I further agree that I will not take any steps toward public disclosure until I have received written permission to do so from the Central Intelligence Agency.

6. I understand that the purpose of the review described in paragraph 5 is to give the Central Intelligence Agency an opportunity to determine whether the information or materials which I contemplate disclosing publicly contain any information which I have agreed not to disclose. I further understand that the Agency will act upon the materials I submit and make a response to me within a reasonable time.

7. I understand that all information or materials which I may acquire in the course of my employment or other service with the Central Intelligence Agency which fit the descriptions set out in paragraph 3 of this agreement are and will remain the property of the United States Government. I agree to surrender all materials reflecting such information which may have come into my possession or for which I am responsible because of my employment or other service with the Central Intelligence Agency, upon demand by an appropriate official of the Central Intelligence Agency, or upon the conclusion of my employment or other service with the Central Intelligence Agency.

8. I agree to notify the Central Intelligence Agency immediately in the event that I am called upon by judicial or congressional authorities to testify about, or provide, information which I have agreed herein not to disclose.

9. I understand that nothing contained in this agreement prohibits me from reporting intelligence activities which I consider to be unlawful or improper directly to the Intelligence Oversight Board established by the President or to any successor body which the President may establish. I recognize that there are also established procedures for bringing such matters to the attention of the Agency's Inspector General or to the Director of Central Intelligence. I further understand that any information which I may report to the Intelligence Oversight Board continues to be subject to this agreement for all other purposes and that such reporting does not constitute public disclosure or declassification of that information.

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RESTRICTED 70978

SECRECY AGREEMENT

1. I, Walter Cassath McCabe, understand that by virtue of my duties in the Central Intelligence Agency, I may be the recipient of information and intelligence which concerns the present and future security of the United States and which belongs to the United States. This information and intelligence, together with the methods of collecting and handling it, are classified according to security standards set by the Central Intelligence Agency. I have read and understand the provisions of the Act of Congress of June 15, 1917 (Espionage Act), as amended, concerning the disclosure of information relating to the National Defense and I am familiar with the penalties provided for violation thereof.

2. I agree that I do not now, nor shall I ever possess any right, interest, title or claim in or to any of the information or intelligence or the methods of collecting or handling of it which has come or shall come to my attention by virtue of my connection with the Central Intelligence Agency, but shall always recognize the property right of the United States of America in and to such matters.

3. I do solemnly swear that I will never divulge, publish nor reveal either by word, conduct, or by any other means such classified information, intelligence or knowledge, except in the performance of my official duties and in accordance with the laws of the United States, unless specifically authorized in writing in each case by the Director of Central Intelligence.

4. I understand that no change in my assignment or employment will relieve me of my obligation under this oath and that the provisions of this oath will remain binding upon me even after the termination of my services with the United States.

5. I understand that my employment by the Central Intelligence Agency is conditioned upon my understanding of and strict compliance with "Security Regulations CIA", and the appendices thereto.

6. I take this obligation freely, without any mental reservation or purpose of evasion.

In witness whereof I have set my hand and seal this 16th day of February 1953

Walter C. McCabe (Seal)

Witnessed by me this 16th day of Feb. 1953

at WASHINGTON, D. C.

Rebecca D. Vaughan

FORM NO. 38-33
OCT 1950

RESTRICTED

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SECRET

RETIREMENT AND RESIGNATION EXIT COVER BRIEFING

NAME (Last, First, Middle) R-9274 McCabe, Walter C	X STAFF / CONTRACT		STAFF OR DIVISION IAD DDO/PCS	CCS FILE NO. 6353
DOB 20 August 28	EMPLOYEE NO. 061360	OVERT	X COVERT	
GRADE & STEP S-15	SOCIAL SECURITY NUMBER 445-20-9032	AGENCY EOD 16 Feb 53	SEPARATION DATE 2/29/80	LAST WORKING DAY 2/29/80

X	RETIREMENT ☒ CIA ☐ CSC	RESIGNATION ☐ CIA ☐ CSC	MATERNITY LEAVE — DATE OF RETURN	LWOP — DATE OF RETURN

FUTURE EMPLOYMENT PLANS		U.S.	X	GOVERNMENT = contract
		OVERSEAS		NONGOVERNMENT

FOREIGN TRAVEL PLANS

TDY's to Western Europe -- on contract -

COVERT

SENSITIVE, SPECIAL, OR COVERT SITE ASSIGNMENTS

	EMPLOYEE HAS NOT BEEN DECLARED OR COMPROMISED				
	EMPLOYEE HAS BEEN		DECLARED		COMPROMISED (specify)

IF BACKSTOPPING IS NECESSARY GIVE REASON

COVER BRIEFING

	ACKNOWLEDGE AGENCY EMPLOYMENT FOR COMPLETE PERIOD OF ASSIGNMENT
	DO NOT ACKNOWLEDGE AGENCY EMPLOYMENT, FOLLOW INSTRUCTIONS OUTLINED BELOW
	ACKNOWLEDGE PARTIAL AGENCY EMPLOYMENT AS INDICATED BELOW

THE EMPLOYMENT HISTORY BELOW IS THE COVER STORY CONTRIVED FOR USE AFTER SEPARATION FROM THE AGENCY.

DATE FROM	DATE TO	AREA OF ASSIGNMENT	TYPE OF COVER	COVER ORGANIZATION	JOB TITLE
Feb 53	Aug 64		DAC		
Aug 64	Feb 80		State		

2554 USE PREVIOUS EDITIONS — SECRET WNSISM — E-2, IMPDET CL. BY: 011180 — (4-9-12-21)

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SECRET

FOLLOW-UP ACTION TO BE TAKEN BY COVER OFFICER					
BLOCK RECORDS IN OFFICE OF PERSONNEL	X	YES		NO	EFFECTIVE DATE EOD / Feb 53
BLOCK CREDIT RECORDS	X	YES		NO	EFFECTIVE DATE EOD
BLOCK TELEPHONE LOCATOR RECORDS	X	YES		NO	EOD

X	PREPARE FORM 1551		ISSUE I.D. CARD TYPE: Returned	X	W-2 FORM TYPE: State	X	HOSPITALIZATION INS. CARD TYPE: AGE

MISCELLANEOUS INFORMATION PERTAINING TO DEPARTING EMPLOYEE

IF EMPLOYEE HAS APPLIED FOR NEW EMPLOYMENT PRIOR TO CONTACTING CCS WHAT EMPLOYMENT REFERENCE WAS USED?

SUBJECT [X] HAS [ ] HAS NOT RETURNED ALL COVER DOCUMENTATION. IDENTIFY DOCUMENTS THAT HAVE NOT BEEN RETURNED.

RELATIVES EMPLOYED BY CIA (*name and relationship*)

None.

DEPARTING EMPLOYEES ACKNOWLEDGEMENT

I certify that I have been briefed by the Central Cover Staff on this date and I understand that:

[ ] I will be acknowledged as an employee of the Central Intelligence Agency in accordance with the instructions set forth in the Cover Briefing Section above.

[X] I will not be acknowledged as an employee of the Central Intelligence Agency.

I have been informed of the employment references applicable in my case.

25 February 1980 — DATE

[signature] — SIGNATURE

REMARKS

~~Full tele strip~~

ID # 189985, 9-11-78, exp 1985.

SAE: 15 Feb 80

Returning on contract immed. Id: IPC

Retirement address:
~~Local ad~~
2401 "H" ST. NW
Wash, DC

Cenco 3-03-80

COORDINATION

CCS/OCB/M CCS/OCB/S	CCS/DFB	CCS/CCB	CCS/COB	CCS/CSB
NAME AND SIGNATURE OF COVER OFFICER: Kathy Hill			COMPONENT: CCS/CT	DATE: 2-25-80

SECRET

SECRECY AGREEMENT

1. I, ________________________________ (print full name), hereby agree to accept as a prior condition of my being employed by, or otherwise retained to perform services for, the Central Intelligence Agency, or for staff elements of the Director of Central Intelligence (hereinafter collectively referred to as the "Central Intelligence Agency"), the obligations contained in this agreement.

2. I understand that in the course of my employment or other service with the Central Intelligence Agency I may be given access to information or material that is classified or is in the process of a classification determination in accordance with the standards set forth in Executive Order 12356 as amended or superseded, or other applicable Executive order, that if disclosed in an unauthorized manner would jeopardize intelligence activities of the United States Government. I accept that by being granted access to such information or material I will be placed in a position of special confidence and trust and become obligated to protect the information and/or material from unauthorized disclosure.

3. In consideration for being employed or otherwise retained to provide services to the Central Intelligence Agency, I hereby agree that I will never disclose in any form or any manner, to any person not authorized by the Central Intelligence Agency to receive it, any information or material in either of the following categories:

a. information or material received or obtained in the course of my employment or other service with the Central Intelligence Agency that is marked as classified or that I know is classified;

b. information or material received or obtained in the course of my employment or other service with the Central Intelligence Agency that I know is in the process of a classification determination.

4. I understand that it is my responsibility to consult with appropriate management authorities in the component or Directorate that employs me or has retained my services, or with the Central Intelligence Agency's Publications Review Board if I am no longer employed by or associated with the Agency, in order to ensure that I know: 1) whether information or material within my knowledge or control that I have reason to believe might be in either of the categories set forth in paragraph 3 is considered by the Central Intelligence Agency to fit in either of those categories; and 2) whom the Agency has authorized to receive such information or material.

5. As a further condition of the special confidence and trust reposed in me by the Central Intelligence Agency, I hereby agree to submit for review by the Central Intelligence Agency any writing or other preparation in any form, including a work of fiction, which contains any mention of intelligence data or activities, or contains any other information or material that might be based upon either of the categories set forth in paragraph 3, that I contemplate disclosing publicly or that I have actually prepared for public disclosure, either during my employment or other service with the Central Intelligence Agency or at any time thereafter, prior to discussing it with or showing it to anyone who is not authorized to have access to the categories set forth in paragraph 3. I further agree that I will not take any steps toward public disclosure until I have received written permission to do so from the Central Intelligence Agency.

6. I understand that the purpose of the review described in paragraph 5 is to give the Central Intelligence Agency an opportunity to determine whether the information or material that I contemplate disclosing publicly contains any information or material that I have agreed not to disclose. I further understand that the Agency will act upon my submission and make a response to me within a reasonable time. I further understand that if I dispute the Agency's initial determination on the basis that the information or material in question derives from public sources, I may be called upon to specifically identify such sources. My failure or refusal to do so may by itself result in denial of permission to publish or otherwise disclose the information or material in dispute.

7. I understand that all information or material that I may acquire in the course of my employment or other service with the Central Intelligence Agency that fits either of the categories set forth in paragraph 3 of this agreement are and will remain the property of the United States Government unless and until otherwise determined by an appropriate official or final ruling of a court of law. I agree to surrender anything constituting, containing or reflecting such information or material upon demand by an appropriate official of the Central Intelligence Agency, or upon the conclusion of my employment or other service with the Central Intelligence Agency.

8. I agree to notify the Central Intelligence Agency immediately in the event that I am called upon by judicial or congressional authorities, or by specially established investigatory bodies of the executive branch, to testify about, or provide, information or material that I have agreed herein not to disclose. In any communication with any such authority or body, I shall observe all applicable rules or procedures for ensuring that such information and/or material is handled in a secure manner.

9. I understand that nothing contained in this agreement prohibits me from reporting intelligence activities that I consider to be unlawful or improper directly to the Intelligence Oversight Board established by the President, or to any successor body that the President may establish, or to the Select Committee on Intelligence of the House of Representatives or the Senate. I recognize that there are also established procedures for bringing such matters to the attention of the Agency's Inspector General or to the Director of Central Intelligence. In making any report referred to in this paragraph, I will observe all applicable rules or procedures for ensuring the secure handling of any information or material that may be involved. I understand that any such information or material continues to be subject to this agreement for all other purposes and that such reporting does not constitute public disclosure or declassification of that information or material.

10. I understand that any breach of this agreement by me may result in the Central Intelligence Agency taking administrative action against me, which can include temporary loss of pay or termination of my employment or other service with the Central Intelligence Agency. I also understand that if I violate the terms of this agreement, the United States Government may institute a civil proceeding to seek compensatory damages or other appropriate relief. Further, I understand that the disclosure of information that I have agreed herein not to disclose can, in some circumstances, constitute a criminal offense.

11. I understand that the United States Government may, prior to any unauthorized disclosure that is threatened by me, choose to apply to any appropriate court for an order enforcing this agreement. Nothing in this agreement constitutes a waiver on the part of the United States to institute a civil or criminal proceeding for any breach of this agreement by me. Nothing in this agreement constitutes a wavier on my part of any possible defenses I may have in connection with either civil or criminal proceedings that may be brought against me.

12. In addition to any other remedy to which the United States Government may become entitled, I hereby assign to the United States Government all rights, title, and interest in any and all royalties, remunerations, and emoluments that have resulted or will result or may result from any divulgence, publication or revelation of information or material by me that is carried out in breach of paragraph 5 of this agreement or that involves information or material prohibited from disclosure by the terms of this agreement.

13. I understand and accept that, unless I am provided a written release from this agreement or any portion of it by the Director of Central Intelligence or the Director's representative, all the conditions and obligations accepted by me in this agreement apply both during my employment or other service with the Central Intelligence Agency, and at all times thereafter.

14. I understand that the purpose of this agreement is to implement the responsibilities of the Director of Central Intelligence, particularly the responsibility to protect intelligence sources and methods, as specified in the National Security Act of 1947, as amended.

15. These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the Military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C., 421 *et seq.*) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including section 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.

16. I understand that nothing in this agreement limits or otherwise affects any provision of criminal or other law that may be applicable to the unauthorized disclosure of classified information, including the espionage laws (sections 793, 794 and 798 of Title 18, United States Code) and the Intelligence Identities Protection Act of 1982 (P.L. 97-200; 50 U.S.C., 421 *et seq.*).

17. Each of the numbered paragraphs and lettered subparagraphs of this agreement is severable. If a court should find any of the paragraphs or subparagraphs of this agreement to be unenforceable. I understand that all remaining provisions will continue in full force.

18. I make this agreement in good faith, and with no purpose of evasion.

19. This agreement shall be interpreted under and in conformance with the law of the United States.

____

Signature

____

Date

The execution of this agreement was witnessed by the undersigned, who accepted it on behalf of the Central Intelligence Agency as a prior condition of the employment or other service of the person whose signature appears above.

WITNESS AND ACCEPTANCE:

____

Signature

____

Printed Name

____

Date